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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

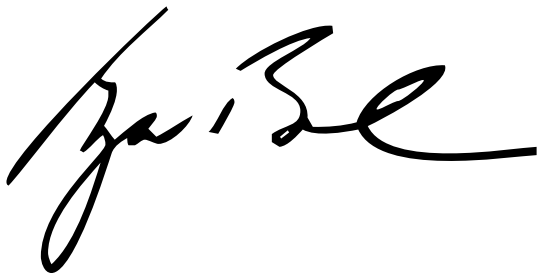
Presidential Determination No. 01–13 of April 17, 2001

Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization

Memorandum for the Secretary of State

Pursuant to the authority and conditions contained in section 538(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, Public Law 106–429, I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months from the date hereof. You are hereby authorzed and directed to transmit this determination to the Congress and to publish in in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 17, 2001.

[FR Doc. 01–10261
Filed 4–23–01; 8:45 am]
Billing code 4710–10–M

Rules and Regulations

Federal Register
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Tuesday, April 24, 2001

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2001–ASW–03]

Establishment of Class E Airspace, Sugar Land, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which establishes the Class E Airspace at Sugar Land, TX.

EFFECTIVE DATE: The direct final rule published at 66 FR 9909 is effective 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 13, 2001, (66 FR 9909). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 17, 2001. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on April 5, 2001.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 01–10130 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2001–ASW–08]

Revision of Class E Airspace; Farmington, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Farmington, NM. The development of a VHF Omnidirectional Range (VOR) Standard Instrument Approach Procedure (SIAP), at Four Corners Regional Airport, Farmington, NM, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Four Corners Regional Airport, Farmington, NM.

DATES: Effective 0901 UTC, September 6, 2001.

Comments must be received on or before June 8, 2001.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2001–ASW–08, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Farmington, NM. The development of a VOR SIAP, at Four Corners Regional Airport, Farmington, NM, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for IFR operations to Four Corners Regional Airport, Farmington, NM.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document will be published in the **Federal Register**. This document may withdraw the direct final rule in whole or in part. After considering the adverse or negative comment, we may publish another direct final rule or publish a notice of proposed rulemaking with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–ASW–08.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule will not have federalism implications under Executive Order 13132.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW NM E5 Farmington, NM [REVISED]

Farmington, Four Corners Regional Airport, NM
(Lat. 36°44′29″N., long. 108°13′48″W.)
Farmington VORTAC
(Lat. 36°44′54″N., long. 108°05′56″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Four Corners Regional Airport, and within 2.4 miles each side of the 086° radial of the Farmington VORTAC extending from the 6.7-mile radius to 13.4 miles east of the airport and within 1.6 miles each side of the 266° radial of the Farmington VORTAC extending from the 6.7-mile radius to 11.9 miles west of the airport; and that airspace extending from 1,200 feet above the surface bounded by a line extending from lat. 37°04′00″N., long. 108°56′54″W.; to lat. 37°04′00″N., long. 108°27′03″W.; thence clockwise within a 25.5-mile radius of the Farmington VORTAC to lat. 37°00′00″N., long. 107°40′18″W.; to lat. 37°00′00″N., long. 107°12′58″W.; thence clockwise within a 45.1-mile radius of the Farmington VORTAC to point of beginning; excluding that airspace within the Durango, CO, Class E airspace area and that airspace within and underlying the Crownpoint, NM, Class E airspace area.

* * * * *

Issued in Fort Worth, TX, on April 6, 2001.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 01–10131 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

[T.D. 01–24]

RIN 1515–AC30

Foreign Repairs to American Vessels; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final regulations (T.D. 01–24), which were published in the **Federal Register** on Monday, March 26, 2001. The regulations related to the requirements regarding the declaration, entry, assessment of duty and processing of petitions for relief from duty for vessels of the United States which undergo foreign shipyard operations.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT: Russell A. Berger, Regulations Branch, (202–927–1605).

SUPPLEMENTARY INFORMATION:

Background

The final regulations regarding foreign repairs to American vessels were published as T.D. 01–24 in the **Federal Register** (66 FR 16392) on Monday, March 26, 2001. In particular, these final regulations set forth the requirements regarding the declaration, entry, assessment of duty and processing of petitions for relief from duty for vessels of the United States which undergo foreign shipyard operations. The final rule document contained an error which could prove to

be misleading and is in need of clarification.

Need for Correction

Specifically, the final rule document amended the authority citation for part 159, Customs Regulations (19 CFR part 159), by moving specific authority citations for certain regulatory sections in the part to the authority citation section set forth at the beginning of the part from parenthetical references set forth immediately following the text of the particular sections. However, it has come to Customs attention that these same changes relating to the authority citation for part 159 were previously made in an interim rule document that was published in the **Federal Register** (64 FR 56433) on October 20, 1999, as T.D. 99–75.

Correction of Publication

Accordingly, the publication on March 26, 2001, of the final regulations concerning foreign repairs to American vessels (T.D. 01–24) (FR Doc. 01–7325) is corrected as follows:

1. On page 16399, in the third column, under the heading, ''PART 159—LIQUIDATION OF DUTIES'', correct amendatory instruction number 1 to read: ''The authority citation for part 159 continues to read as follows:''

2. On page 16400, in the first column, under the heading, ''PART 159—LIQUIDATION OF DUTIES'', remove amendatory instruction number 2.

3. On page 16400, in the first and second columns, again under the heading, ''PART 159—LIQUIDATION OF DUTIES'', renumber amendatory instruction numbers 3, 4 and 5 as amendatory instruction numbers 2, 3, and 4, respectively.

Dated: April 19, 2001.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 01–10163 Filed 4–23–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 50 and 56

[Docket No. 00N–0074]

RIN 0910–AC07

Additional Safeguards for Children in Clinical Investigations of FDA-Regulated Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Interim rule; opportunity for public comment.

SUMMARY: The Food and Drug Administration (FDA) is issuing an interim rule to amend its regulations to provide additional safeguards for children enrolled in clinical investigations of FDA-regulated products. This interim rule is intended to bring FDA regulations into compliance with provisions of the Children's Health Act of 2000 (the Children's Health Act), which requires that within 6 months of its enactment all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services (HHS) be in compliance with HHS regulations providing additional protections for children involved as subjects in research. To comply with this congressionally mandated timeframe and for other reasons described in this document, FDA is publishing this regulation as an interim rule.

FDA is requiring additional safeguards to protect children because of expected increases in the enrollment of children in clinical investigations as a result of recent pediatric initiatives. These initiatives include FDA's 1998 pediatric rule (the 1998 pediatric rule) and the pediatric provisions of the Food and Drug Administration Modernization Act of 1997 (the Modernization Act).

DATES: This interim rule is effective April 30, 2001. Submit written comments by July 23, 2001. Submit written comments on the information collection requirements by May 24, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. Submit written comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Carol Drew, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's authority includes regulation of safety and effectiveness testing in humans of certain FDA-regulated products. FDA-regulated products include human drug and biological products, medical device products, and dietary supplements, nutritional, food additive, and foods. This rule covers safety and effectiveness testing of FDA-regulated products in children. FDA expects an increase in testing of drug and biological products in children as a result of recent initiatives in pediatric research.

A. Recent Initiatives in Pediatric Research

The 1998 pediatric rule (63 FR 66632, December 2, 1998) requires manufacturers to assess the safety and effectiveness of certain drug and biological products in pediatric patients. In the preamble to the 1998 pediatric rule, FDA stated that many drug and biological products marketed in the United States that are or could be used in children are inadequately labeled for use in pediatric patients or specific pediatric subgroups. FDA concluded that the absence of pediatric labeling information for these drug and biological products posed significant risks for children.

The 1998 pediatric rule establishes a presumption that certain drug and biological products will be studied in pediatric patients. The 1998 pediatric rule also authorizes FDA to require pediatric studies of those marketed drug and biological products that: (1) Are used in a substantial number of pediatric patients for the labeled indications, and where the absence of adequate labeling could pose significant risks to pediatric patients; or (2) would provide a meaningful therapeutic benefit over existing treatments for pediatric patients for one or more of the claimed indications, and the absence of adequate labeling could pose significant risks to pediatric patients.

The Modernization Act (Public Law 105–115) established economic incentives for manufacturers to conduct pediatric studies on drugs for which exclusivity or patent protection is available under the Drug Price Competition and Patent Term Restoration Act (Public Law 98–417) or the Orphan Drug Act (Public Law 97–414). These provisions attach 6 months of marketing exclusivity to any existing exclusivity or patent protection on a drug for which FDA has requested pediatric studies and the manufacturer has conducted such studies in accordance with the requirements of the Modernization Act.

As of October 1, 2000, FDA had received 194 proposed pediatric study requests under the exclusivity provisions of the Modernization Act and had issued 157 Written Requests for pediatric studies. A Written Request is

a specific document from FDA in which the agency requests submission of certain studies to determine if the use of a drug could have meaningful health benefits in the pediatric population. Sponsors have indicated they are conducting or planning to conduct over 80 percent of the studies for which Written Requests have been issued.

FDA expects that the combination of the pediatric exclusivity incentive of the Modernization Act and the requirements of the 1998 pediatric rule will significantly increase the number of FDA-regulated products for which pediatric studies will be conducted. This increase in studies has led to concern over the adequacy of existing safeguards for pediatric study subjects.

In addition to the Modernization Act and the 1998 pediatric rule, FDA has initiated other actions to encourage the development of adequate pediatric use information for drug and biological products. Among other actions, FDA has published several pediatric guidance documents. (See FDA's pediatric website at http://www.fda.gov/cder/pediatric.)

FDA's view that additional pediatric safeguards are necessary is underscored by title XXVII, section 2701 of the Children's Health Act (Public Law 106-310), in which Congress directs the Secretary of HHS (the Secretary) to require all research involving children that is conducted, supported, or regulated by HHS to be in compliance with 45 CFR part 46, subpart D (HHS subpart D) within 6 months of the date of enactment. The Children's Health Act was signed by the President on October 17, 2000. Clinical investigations involving FDA-regulated products, therefore, must comply with the standards of HHS subpart D by April 17, 2001. To respond to this congressionally mandated timeframe and for other reasons described in this document, FDA is publishing this regulation as an interim rule.

In addition to requiring that HHS subpart D be applied to clinical investigations involving FDA-regulated products, Congress is requiring a substantive review of HHS subpart D. Title X, section 1003 of the Children's Health Act requires the Secretary to review HHS subpart D, consider any necessary modifications to ensure the adequate and appropriate protection of children participating in research, and report the findings to Congress. If, as a result of this evaluation, HHS proposes to modify HHS subpart D, FDA will review and modify this interim rule as appropriate.

B. Early Initiatives for Pediatric Safeguards

The National Research Act (Public Law 93–348), signed into law on July 12, 1974, created the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (the Commission). One of the Commission's charges was to make recommendations pertaining to research involving children, including the purposes of such research, the steps necessary to protect children as subjects, and requirements for the informed consent of children or their parents or guardians. The Commission was required to recommend to the Secretary (of HHS or the Department)[1] policies defining circumstances under which research with and for children might be appropriate. The recommendations of the Commission pertaining to research involving children were published in the **Federal Register** of January 13, 1978 (43 FR 2084). After review of the Commission's report, recommendations, and public comments, the Secretary published in the **Federal Register** of July 21, 1978 (43 FR 31786), a notice of proposed rulemaking on research involving children conducted or supported by HHS. HHS reviewed the public comments received on the proposal and also considered the Basic HHS Policy for the Protection of Human Research Subjects (45 CFR part 46). On March 8, 1983, HHS published its final rule incorporating requirements for the protection of children involved as subjects in HHS-conducted or HHS-supported research (48 FR 9814). This rule is codified at 45 CFR part 46, subpart D. These regulations supplemented basic regulations governing the protection of human subjects involved in research conducted or supported by HHS (30 FR 18914, May 30, 1974).

In the **Federal Register** of April 24, 1979 (44 FR 24106), FDA proposed regulations and solicited comments on applying the principles set forth in the HHS regulations to all pediatric research subject to FDA jurisdiction. This proposal was not finalized and was withdrawn on December 30, 1991 (56 FR 67440).

C. Current Safeguards for Pediatric Research

HHS subpart D provides protections for children involved in HHS-conducted or HHS-supported research. If an FDA-regulated clinical investigation is not conducted or supported by HHS, HHS subpart D does not impose requirements on the investigation. Nevertheless, FDA has historically relied on the HHS regulations to provide appropriate guidance for pediatric studies. In addition, as described below, there are other safeguards in place for pediatric research.

Current FDA regulations in part 56 (21 CFR part 56) governing institutional review boards (IRBs) include children as a class of vulnerable subjects, but do not specifically address the enrollment of children in clinical investigations. Portions of part 56 address pediatric issues. In § 56.111(a)(3), IRBs are required to determine that the selection of subjects in research is equitable and, to do so, should be ''particularly cognizant of the special problems of research involving vulnerable populations, such as children * * *.'' Section 56.111(b) states, ''When some or all of the subjects, such as children * * *, are likely to be vulnerable to coercion or undue influence [,] additional safeguards have been included in the study to protect the rights and welfare of these subjects.'' Section 56.107(a) addresses IRB membership and provides that if an IRB ''regularly reviews research that involves a vulnerable category of subjects, such as children, * * * consideration shall be given to the inclusion of one or more individuals who are knowledgeable about and experienced in working with those subjects.''

FDA's information sheets entitled ''Guidance for Institutional Review Boards and Clinical Investigators'' address issues regarding informed consent and the assent of children. This guidance states that although FDA regulations regarding informed consent do not specifically address the enrollment of children, the basic requirements of § 50.20 (21 CFR 50.20) regarding informed consent apply. The information sheets also state that HHS regulations for conduct of studies in children may be used as guidance for all pediatric studies. These information sheets are available at www.fda.gov/oc/oha/IRB/toc.html.

FDA also has published a guidance entitled ''E11 Clinical Investigation of Medicinal Products in the Pediatric Population'' (ICH E11). This guidance was prepared by the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH) as part of the ICH effort to harmonize technical requirements for the registration of pharmaceutical products among the European Union, Japan, and

[1] At the time, HHS was named the Department of Health, Education, and Welfare. To avoid confusion, this document uses only the Department's current name, HHS.

the United States. ICH E11 addresses issues in pediatric drug development including ethical considerations in pediatric studies. It states that pediatric populations represent a vulnerable subgroup and special measures are needed to protect the rights of pediatric study participants. Section 2.6 of ICH E11 addresses relevant issues including: The roles and responsibilities of IRBs and independent ethics committees, recruitment of study participants, consent and assent, and minimizing risk and distress in pediatric studies.

The documents described above provide considerable information and guidance regarding the participation of children in clinical trials. Nonetheless, given the expected increase in the number of children enrolled in clinical investigations as a result of recent pediatric initiatives, additional safeguards for children enrolled in clinical investigations of FDA-regulated products are appropriate.

II. Highlights of the Interim Rule

This interim rule will apply the safeguards described in HHS subpart D to children participating in clinical investigations of FDA-regulated products. These safeguards are also intended to ensure the adequate protection of the rights and welfare of children who participate in clinical investigations. Nothing in the regulations described in this interim rule is intended to preempt any applicable Federal, State, or local laws that require additional safeguards for children participating in clinical investigations.

FDA is adopting HHS subpart D, as directed by Congress, with only those changes necessary due to differences between FDA's and HHS's regulatory authority. The agency is aware that dissimilar or inconsistent Federal requirements governing pediatric protections could be burdensome to institutions, IRBs, and the process of clinical investigation.

FDA's regulations governing informed consent and IRBs apply to clinical investigations that are subject to FDA's jurisdiction. The scope of the regulations is described in §§ 50.1 (21 CFR 50.1) and 56.101 and includes all clinical investigations that are subject to requirements for prior submission under sections 505(i) and 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i) and 360j(g)) or that support an application for a research or marketing permit for a product regulated by the agency as defined in §§ 50.3(b) (21 CFR 50.3(b)) and 56.102(b). This includes color additive petitions, petitions submitted to establish that a substance that may become a component of food is generally recognized as safe for use, food additive petitions and petitions for establishing a tolerance for unavoidable contaminants in food, drug applications, biologics licenses, and medical device applications. In contrast, HHS subpart D regulations cover research involving children as subjects, conducted or supported by the Department. With minor exceptions, FDA does not conduct or support research involving human subjects. Instead, FDA regulates research conducted by outside sponsors and investigators, where the research is subject to IRB review and approval. Because of these differences, FDA is making some modifications to HHS subpart D. For example, throughout the interim rule, FDA has modified the description of the scope of the rule from applying to research conducted or supported by the Department as described in HHS subpart D, to applying to clinical investigations subject to FDA's regulatory authority. Some research involving FDA-regulated products is also conducted or supported by HHS and falls within the scope of both HHS and FDA regulations.

In addition, in its adoption of provisions of HHS subpart D, FDA has made minor editorial changes in response to the ongoing initiative regarding plain language in government writing. FDA solicits comments on all provisions in this interim rule and has identified certain points on which comments would be particularly useful.

Finally, FDA has made changes to the scope and definitions sections of part 50 (21 CFR part 50) and part 56 to reflect that studies of certain foods, dietary supplements, and infant formulas are covered by these regulations. The regulations in part 101 (21 CFR part 101) governing petitions for nutrient content claims state that clinical studies submitted in support of such a petition must be conducted in accordance with the requirements of parts 50 and 56 (§ 101.69(f)). The regulations governing petitions for health claims contain the same requirement (§ 101.70(d)). Therefore, the agency is clarifying that parts 50 and 56 govern clinical investigations, including those involving children, when such investigations may be submitted in a petition under § 101.69 or § 101.70. Consistent with the congressional directive that the protections of the HHS subpart D regulations be extended to all research involving children regulated by FDA, studies in children in support of infant formulas and in support of premarket notification of dietary supplements that contain new dietary ingredients are also subject to parts 50 and 56.

A. What Definitions Is FDA Adopting From HHS Subpart D?

FDA is adopting several terms from 45 CFR 46.402 of HHS subpart D for inclusion in the FDA definitions at § 50.3. These include the terms ''assent'' (§ 50.3(n)), ''children'' (§ 50.3(o)), ''parent'' (§ 50.3(p)), ''permission'' (§ 50.3(r)), and ''guardian'' (§ 50.3(s)). The definitions of these terms in § 50.3 generally follow the definitions in HHS subpart D, with changes as identified and discussed below. In addition, FDA is defining the term ''ward'' (§ 50.3(q)) in a manner that is consistent with its use in HHS subpart D.

1. What is Assent?

The definition of ''assent'' at § 50.3(n) is adopted from HHS subpart D with a minor change to clarify that the assent applies to participation in clinical investigations involving FDA-regulated products. FDA's regulation, like the HHS regulation, defines assent as a child's affirmative agreement to participate in research. FDA's definition also states that mere failure to object to participation in clinical investigations should not, absent affirmative agreement, be considered assent.

2. What Does the Term ''Children'' Mean?

The definition of ''children'' at § 50.3(o) includes persons who have not attained the legal age for consent to treatments or procedures involved in clinical investigations as determined under the applicable law of the jurisdiction in which the research will be conducted. This provision means that the law of the site of the research will determine the legal age of consent of the participant.

3. What Does ''Parent'' Mean?

FDA did not previously have a definition for parent at § 50.3 and is adopting the definition from HHS subpart D. ''Parent'' is defined as a child's biological or adoptive parent.

4. What Does the Term ''Ward'' Mean?

The term ''ward'' is used in HHS subpart D but is not defined. In § 50.3(q), FDA has developed a definition for ward that is consistent with the use of the term in HHS subpart D. Under § 50.3(q), a ward is a child who is placed in the legal custody of the State or other agency, institution, or entity, consistent with applicable Federal, State, or local law.

5. What Does ''Permission'' Mean, and How Is It Different From Informed Consent?

The definition of ''permission'' at § 50.3(r) is adopted from 45 CFR 46.402(c) of HHS subpart D with a minor change to clarify that permission applies to participation in clinical investigations involving FDA-regulated products. FDA's definition at § 50.3(r) generally adopts the HHS definition and states that permission is the agreement of parent(s) or guardian to their child's or ward's participation in a clinical investigation.

FDA's regulation at § 50.3(r) adds a sentence clarifying that permission must be obtained in compliance with part 50, subpart B and must include the elements of informed consent described in FDA's regulations at § 50.25. This approach is consistent with HHS's interpretation of the term ''permission.'' Under the requirements for permission by parents or guardians and assent by children, 45 CFR 46.408(d) of HHS subpart D states that permission by parents or guardians shall be documented in accordance with and to the extent required by 45 CFR 46.117 of HHS subpart A (45 CFR part 46, subpart A). Section 46.117 of HHS supbart A outlines the requirements for documenting informed consent. Addressing comments made on requiring parental consent to participation in research in the preamble to its final rule (48 FR 9814), the Department stated that inserting this reference to 45 CFR 46.117 of HHS subpart A clarified that the requirements for informed consent shall apply to permission.

The agency is retaining the term permission because this term is used in HHS subpart D and is familiar to IRBs. The term permission also distinguishes children from other participants in clinical investigations. Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in clinical investigations under the applicable law of the jurisdiction in which the clinical investigation will be conducted. Because children are unable, due to age, to give consent themselves, permission is provided by a parent or guardian on their behalf. The term informed consent under § 50.20 applies to other participants in clinical investigations. FDA solicits comments on its definition of permission.

6. What Is a ''Guardian,'' and What Is the Difference Between a Guardian and a Legally Authorized Representative?

FDA's current regulations do not have a definition for guardian in part 50. In this interim rule, FDA is adopting a modification of the term ''guardian'' as used in HHS subpart D. In HHS subpart D, a guardian is an individual who is authorized under applicable State or local law to consent on behalf of a child to general medical care. FDA is adopting this definition and is adding text to clarify that authorization to consent to general medical care must include participation in research and, for purposes of this rule, a guardian is also an individual authorized to consent to a child's participation in research. FDA is adding this clarification because of concern that, in some cases, authorization to consent to general medical care may not extend to consent to participation in research. For a guardian to be able to grant permission for a child to participate in research, the guardian must either have authority to consent to a child's general medical care (where participation in clinical research falls within general medical care) or must have authority to consent to a child's participation in research.

FDA is adopting the term guardian because this term is currently used in HHS subpart D in the context of research involving children, and is familiar to IRBs. In contrast, FDA's regulations at § 50.3 and HHS's regulations at 45 CFR 46.102(c) use the term ''legally authorized representative'' for an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedures involved in the research. FDA's definition of the term guardian is intended to clarify that a guardian must be an individual authorized to consent to a child's participation in research. FDA seeks comments on its definition of the term guardian and any implications under State or local law.

B. What New Duties Do IRBs Assume Under This Interim Rule?

FDA has adopted the provisions in 45 CFR 46.403 of HHS subpart D with minor changes. The provisions are included in FDA regulations at § 50.50. Section 50.50 directs that in addition to other responsibilities assigned under parts 50 and 56, IRBs must now review research covered by subpart D of part 50 and approve only research that satisfies the criteria described in § 50.51, § 50.52, or § 50.53 and the conditions of all other applicable sections of part 50, subpart D.

FDA has also made conforming changes to part 56 of its regulations governing IRBs. Under part 56, subpart C, describing IRB functions and operations, FDA is adding new paragraph (c) to § 56.111. New § 56.111(c) requires that to approve research in which some or all of the subjects are children, an IRB must determine that all such research is in compliance with part 50, subpart D.

Similarly, FDA has added new paragraph (h) to § 56.109 on IRB review of research to require that when some or all of the subjects of ongoing research are children, an IRB must conduct a review of the research to determine compliance with part 50, subpart D. This review of research that is ongoing on the effective date of this rule must be conducted either at the time of continuing review or, at the discretion of an IRB, at an earlier date. Under § 56.109(f), IRBs conduct continuing review of research at intervals appropriate to the degree of risk of the research, but not less than once per year. FDA expects that the degree of risk posed to children will be considered by the IRB in determining when to conduct a continuing review of an ongoing trial for compliance with part 50, subpart D.

FDA regulations set out criteria to be satisfied if an IRB is to approve research (§ 56.111). These criteria are the same for initial review and continuing review and include a determination by the IRB that:

(1) Risks to subjects are minimized,

(2) Risks to subjects are reasonable in relation to anticipated benefits,

(3) Selection of subjects is equitable,

(4) Informed consent is adequate and appropriately documented,

(5) Where appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects,

(6) Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data, and

(7) Appropriate safeguards have been included to protect vulnerable subjects.

Under new § 56.109(h), at the time of continuing review, or at an earlier date if the IRB so determines, the IRB must review research involving children, with reference to the risk categories and criteria as defined in part 50, subpart D, to determine if an ongoing clinical investigation fits into one of the risk categories at § 50.51, § 50.52, or § 50.53. If an IRB determines that the research does not fit any of these three categories, but that the research may fit under § 50.54, the IRB should contact FDA for further guidance. FDA emphasizes that it expects the volume of studies that are

candidates for classification under § 50.54 to be extremely small. FDA believes it is appropriate to permit review of ongoing investigations for compliance with part 50, subpart D at the time of continuing review or at an earlier date identified by the IRB because this is the least disruptive way to ensure compliance. If an IRB determines that research in progress does not fit any of the four risk categories defined in part 50, subpart D, the IRB has authority to suspend or terminate approval of the research under § 56.113. Under § 56.113, the IRB must report any such action to FDA. FDA notes that many ongoing pediatric studies have been approved by IRBs based upon the standards described in HHS subpart D, so the agency anticipates that very few, if any, ongoing studies will be suspended or terminated.

C. When May IRBs Approve a Clinical Investigation Not Involving Greater Than Minimal Risk?

Under § 50.51, an IRB may approve a clinical investigation in which no greater than minimal risk is presented only if an IRB finds and documents that adequate provisions are made for soliciting the assent of the children involved and the permission of their parents or guardians as set forth in § 50.55. In adopting this provision, FDA has made minor changes to the language used in 45 CFR 46.404 of HHS subpart D. Rather than stating that HHS will ''conduct or fund research'' in which the IRB finds no greater than minimal risk to children, FDA has modified this language to state the conditions under which an IRB may approve a clinical investigation involving an FDA-regulated product in which there is no greater than minimal risk to children. FDA believes this change is required by the scope of FDA's regulatory authority. Similar changes have been made as necessary throughout the codified section to reflect the scope of FDA's regulatory authority.

FDA previously adopted the Department's definition of minimal risk (45 CFR 46.102(g) of subpart A) without change in § 50.3. FDA anticipates that among the types of procedures that might be used in a clinical investigation that would present no more than minimal risk to children would be clean-catch urinalysis, obtaining stool samples, administering electroencephalograms, requiring minimal changes in diet or daily routine, or the use of standard psychological tests. Examples of the types of clinical investigations that would present no more than minimal risk would include a taste test of an excipient or tests of devices involving temperature readings orally or in the ear. FDA anticipates that there may be circumstances under which products with an established safety profile in adults may present no more than minimal risk in children.

D. When May IRBs Approve Clinical Investigations Involving Greater Than Minimal Risk But Presenting the Prospect of Direct Benefit to the Individual Subjects?

Under § 50.52, an IRB may approve a clinical investigation in which an IRB finds more than minimal risk to children but that presents the prospect of direct benefit to individual subjects only if the IRB finds and documents that:

(1) The risk is justified by the anticipated benefit to the subjects,

(2) The relation of the anticipated benefit to the risk is at least as favorable to the subjects as that presented by available alternative approaches, and

(3) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians, as set forth in § 50.55.

Section 50.52 adopts the provisions of 45 CFR 46.405 of HHS subpart D with minor changes to conform to FDA's regulatory authority. FDA expects that many clinical investigations of FDA-regulated products in children will be allowed to proceed under § 50.52. These clinical investigations generally are performed in children with the disease or condition for which the product is intended.

FDA recognizes that in the case of clinical investigations of FDA-regulated products conducted under an investigational new drug application (IND) or investigational device exemption (IDE), it may not always be possible to know the level of risk the subject will be exposed to ahead of time. This may create difficulties for IRBs trying to assess whether a clinical investigation involves more than minimal risk. IRBs may need to make such judgments on a case-by-case basis.

While the level of risk in a clinical investigation may change during the course of a study, appropriate strategies may be included in the study design that may mitigate risks. These might include exit strategies in the case of adverse events or a lack of efficacy, or establishing a data monitoring committee (DMC) to review ongoing data collection and recommend study changes, including stopping a trial on the basis of safety information. FDA invites comment on appropriate criteria for IRBs to use in assessing when a clinical investigation may involve more than minimal risk to children.

The agency also recognizes that the requirement for the prospect of direct benefit to individual subjects may create ambiguity about whether placebo-controlled clinical investigations may be conducted in children. FDA believes that clinical investigations involving placebos in children may be conducted in accord with § 50.52. There is evidence of direct benefit to subjects from participating in placebo-controlled trials, including increased monitoring and care of subjects, even though a subject may not actually receive the test product. FDA invites comment on the issue of conducting placebo-controlled trials in children.

E. When May an IRB Approve a Clinical Investigation Involving Greater Than Minimal Risk and No Prospect of Direct Benefit to Individual Subjects, But Likely to Yield Generalizable Knowledge About the Subjects' Disorder or Condition?

Section 50.53 provides that in certain circumstances an IRB may approve a clinical investigation in which the IRB finds that more than minimal risk to children is presented: (1) By an intervention or procedure that does not hold out the prospect of direct benefit for the individual subject, or (2) by a monitoring procedure that is not likely to contribute to the well-being of the subject. The clinical investigation may be approved only if the IRB finds and documents that:

(1) The risk represents a minor increase over minimal risk;

(2) The intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, dental, psychological, social, or educational situations;

(3) The intervention or procedure is likely to yield generalizable knowledge about the subjects' disorder or condition that is of vital importance for the understanding or amelioration of the subjects' disorder or condition; and

(4) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians as set forth in § 50.55.

FDA has adopted these requirements from 45 CFR 46.406 of HHS subpart D, with minor modifications to conform to FDA's regulatory authority.

FDA recognizes that § 50.53 raises issues similar to those raised by § 50.52 about standards for IRBs to use in assessing when a clinical investigation involves more than minimal risk. Some comments submitted previously on HHS's proposed rule (43 FR 31786, July

21, 1978) indicated that no attempt should be made to define the concept of ''minor increase'' or to provide guidance to IRBs on evaluating whether a ''minor increase over minimal risk'' is involved. These comments stated that because of varying situations and circumstances, IRBs would need to make judgments on a case-by-case basis. FDA believes that IRBs are qualified to assess and document when a specific protocol falls under this category. However, FDA is soliciting comments on whether further definition should be provided to aid IRBs in making such determinations, including: (1) How to measure a minor increase in risk, (2) at what point a minimal risk develops into a major risk, and (3) whether IRBs have the expertise necessary to determine minor increases over minimal risk.

Section 50.53(c) contains the phrase ''likely to yield generalizable knowledge about the subjects' disorder or condition.'' The criterion in § 50.53(c) raises the question whether clinical investigations of FDA-regulated products conducted to determine the safety and effectiveness of such products yield generalizable knowledge about a subject's disorder or condition that is of vital importance for the understanding or amelioration of the subjects' disorder or condition. FDA believes there are circumstances in which clinical investigations yield such information. Such circumstances may include cases where a child has been identified as at high risk for a disease and receives investigational interventions to prevent the disease or ameliorate manifestations of the disease in the future. In these situations, even in children who would not otherwise have manifested the disease, the clinical investigations may yield important information that might contribute to the understanding of a disease, disorder, or condition. FDA believes that IRBs are capable of making this assessment. Therefore, FDA is adopting this provision from HHS subpart D.

F. When May an IRB Allow a Clinical Investigation to Proceed That Is Not Otherwise Approvable But Presents an Opportunity to Understand, Prevent, or Alleviate a Serious Problem Affecting the Health or Welfare of Children?

An IRB may allow a clinical investigation that does not meet the requirements of § 50.51, § 50.52, or § 50.53 to proceed only if the IRB finds and documents that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children, and the Commissioner of Food and Drugs (the Commissioner) determines that the conditions of § 50.54(b) are met. After consultation with a panel of experts and following opportunity for public review and comment, the Commissioner must determine, under § 50.54(b)(1), that the clinical investigation satisfies the conditions of § 50.51, § 50.52, or § 50.53 or, under § 50.54(b), that three conditions are met. The conditions in § 50.54(b) are as follows:

(1) The clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children,

(2) The clinical investigation will be conducted in accordance with sound ethical principles, and

(3) Adequate provisions are made for soliciting the assent of the children and the permission of their parents or guardians.

FDA's regulation in § 50.54 generally follows the provisions in 45 CFR 46.407 of HHS subpart D with some modification. In § 50.54(b), FDA has charged the Commissioner with determining whether such a clinical investigation can proceed. The Commissioner is to consult with a panel of experts. FDA anticipates that this panel may include an advisory committee supplemented, if needed, by appropriate experts. This provision also provides for public review and comment on the Commissioner's pending decision. However, FDA may not be able to provide for public review and comment on the Commissioner's pending decision if the sponsor is unwilling to publicly disclose necessary information. FDA's trade secret and commercial confidentiality requirements (21 CFR 20.61) protect certain types of information from public disclosure. This type of privileged information is sometimes included in INDs and IDEs. Because FDA believes full public review and comment is critical in determining whether a clinical investigation should proceed under these circumstances, if a sponsor is unwilling to waive this privilege, FDA may not be able to satisfy the public review and comment requirement and any such clinical investigation could not proceed.

G. When May an IRB Waive the Assent Requirement?

FDA has adopted in § 50.55 the provisions of 45 CFR 46.408 of HHS subpart D, describing when assent may be waived. Even in cases where an IRB determines waiver of assent is necessary, FDA regulations require the permission of parents or guardians to the extent informed consent is required in part 50. Documentation of permission must be consistent with the documentation required for informed consent at § 50.27.

Section 50.55(a) allows an IRB to make a judgment as to whether children are capable of providing assent. Section 50.55(b) states that in making this determination, an IRB must take into account the ages, maturity, and psychological state of the children involved. An IRB may make this determination for each individual child to be involved in the clinical investigation or for all children under a particular protocol. FDA has made format changes in adopting 45 CFR 46.408 to clarify the conditions for waiving the assent requirement. Section 50.55(c) states that assent is not a necessary condition for proceeding with a clinical investigation if the IRB determines: (1) That the capability of some or all of the children is so limited that they cannot reasonably be consulted, or (2) that the intervention or procedure involved in the clinical investigation presents a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the clinical investigation. Section 50.55(d) states that even where an IRB determines the children are capable of assenting, the IRB may still waive the assent requirement if: (1) The clinical investigation involves no more than minimal risk to the subjects, (2) the waiver will not adversely affect the rights and welfare of the subjects, (3) the clinical investigation could not practicably be carried out without the waiver, and (4) when appropriate, the children will be provided with additional pertinent information after participation. Section 50.55(g) provides that when an IRB determines that assent is required, the IRB must determine whether and how assent must be documented. FDA solicits comments on how to ensure that age-appropriate explanations are provided to children.

H. May an IRB Waive the Permission Requirement for Parents or Guardians?

FDA has not adopted the provisions of 45 CFR 46.408(c) that allow an IRB to waive the requirements for obtaining permission in certain circumstances. Section 46.408(c) of HHS subpart D allows an IRB to determine that a research protocol is designed for conditions or for a subject population for which the permission of parents or guardians is not a reasonable requirement to protect the subjects. This

provision allows the IRB to substitute an appropriate mechanism to protect children who will participate as subjects in research.

Section 46.408(c) of HHS subpart D allows IRBs to waive the permission of parents or guardians in certain circumstances in which waiver of informed consent would not be permitted under FDA regulations. Therefore FDA is not adopting the exceptions described in HHS subpart D. The only exceptions to FDA's requirements for informed consent, and thus for obtaining permission, are found in part 50 of FDA's regulations.

I. Can Wards of the State Ever Be Included in Clinical Investigations?

FDA has adopted in § 50.56 the provisions of 45 CFR 46.409 of HHS subpart D describing when children who are wards of the State or any other agency, institution, or entity may be included in research.

Under § 50.3(q), a ward is defined as a child who is placed in the legal custody of the State or other agency, institution, or entity, consistent with applicable Federal, State, or local law. Under § 50.56(a), wards can be included in clinical investigations only if such research is: (1) Related to their status as wards, or (2) conducted in schools, camps, hospitals, institutions, or similar settings in which the majority of children involved as subjects are not wards. Section 50.56(a) is written to ensure that if wards of the State participate in clinical investigations, they do so not because it is administratively convenient for a clinical investigator or sponsor to include them as participants, but because they are subject to potential benefit from the clinical investigation.

If an IRB approves such research, the IRB must appoint an advocate for each child who is a ward, in addition to any other individual acting on behalf of the child as a guardian or in loco parentis. Section 50.56(b) provides that one individual may serve as advocate for more than one child. The advocate must be an individual who has the background and experience to act in the best interest of the child for the duration of the child's participation in the clinical investigation. The advocate must not be associated in any way with the clinical investigation, the investigator(s), or the guardian organization. FDA interprets the term ''guardian organization'' to refer to the State, agency, institution, or other entity in whose legal custody the child is placed.

FDA believes that wards require special protections. FDA also believes that § 50.56(b) provides protection from any conflict of interest issues that may arise in the appointment of an advocate. FDA notes that any issues relating to compensation or funding for advocates or the liability of advocates are left to the IRBs and other involved institutions, agencies, or entities to resolve. FDA is soliciting comments on any difficulties such entities may have with the appointment of advocates.

III. Effective Date

The agency is issuing this regulation as an interim rule effective April 30, 2001. This action is being issued in accordance with title XXVII, section 2701 of the Children's Health Act. Section 2701 requires that 6 months after enactment, all research involving children conducted, supported, or regulated by HHS be in compliance with HHS subpart D. The Children's Health Act was signed by the President on October 17, 2000. FDA interprets the Children's Health Act to require FDA to adopt HHS subpart D by April 17, 2001.

FDA is issuing this interim rule to comply with the Children's Health Act. Generally, the Administrative Procedure Act and FDA regulations require notice to the public and an opportunity for comment prior to the effective date of a rule (5 U.S.C. 553(b) through (d); 21 CFR 10.40(b)). This process may be dispensed with under 5 U.S.C. 553(b)(3)(B) and § 10.40(e)(1) (21 CFR 10.40(e)(1)) if the Commissioner finds, for good cause, that notice and public procedures would be impracticable, unnecessary, or contrary to the public interest. This interim rule meets these standards.

Section 2701 of the Children's Health Act requires FDA to adopt specific existing HHS regulations within 6 months. Because of the specificity of Congress's directive and FDA's limited discretion in adopting the standards of HHS subpart D, notice and an opportunity to comment is unnecessary. As described in section I.B of this document, HHS subpart D was itself issued through notice-and-comment rulemaking. Moreover, Congress has specifically identified in section 1003 of the Children's Health Act the process, timetable, and specific considerations for review of the regulations in HHS subpart D and, by implication, the regulations adopted in this interim rule. Depending upon the outcome of the review, it is possible that HHS and relevant agencies will propose new regulations addressing the protection of children involved in research. These regulations would be adopted with notice and an opportunity for public comment. Finally, FDA believes the anticipated increase in pediatric research makes it important to the public health that the requirements described in this rule become effective as soon as possible.

In addition, for the reasons described above, the Commissioner of Food and Drugs also finds good cause under 5 U.S.C. 553(d)(3) and § 10.40(c)(4)(ii) for making this interim rule effective in less than 30 days.

IV. Analysis of Economic Impacts

FDA has examined the impacts of this interim rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612 (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121))), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant economic impact of the rule on small entities. Section 202(a) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation).

This interim rule is consistent with the principles set forth in Executive Order 12866 and these two statutes. The interim rule is a ''significant regulatory action'' as defined in section (3)(f) of Executive Order 12866. However, as explained below, the rule is not an economically significant regulatory action as defined in the Executive order and does not require a Regulatory Flexibility Analysis. The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the interim rule because the rule is not expected to have an effect on the economy that exceeds $100 million adjusted for inflation in any one year. The current inflation-adjusted statutory threshold is about $110 million.

This interim rule requires IRBs reviewing FDA-regulated clinical

investigations involving children to apply FDA's new regulations establishing additional safeguards for children in clinical investigations, as adopted from HHS subpart D. Until now, FDA has relied primarily on its own regulations governing adult studies, in combination with HHS subpart D, as guidance for the review of clinical investigations in children. In this rule, FDA requires the IRB to review and document the risks to children participating in clinical investigations before the clinical trial may proceed. In some instances, this may be a departure from current practice and may place additional requirements on IRBs. FDA believes the burden of these added requirements to be small. Under current standards, IRBs are already required to make several determinations concerning subject risk and to document subject risks. The additional requirements of this rule state that IRBs must specifically identify which of the four risk categories applies to pediatric subjects in a clinical investigation. We expect that this determination would require some additional effort, but take at most one person-hour of additional time. To estimate costs, FDA multiplied the estimated number of clinical investigations in children subject to the rule's requirements by the estimated additional time required of the affected IRBs for each trial reviewed. Then FDA multiplied the total estimated time by a standardized cost of $75 per man-hour.

Table 1 below presents, for several different product categories, an estimate of the number of FDA-regulated clinical investigations in children that will require review by IRBs. Estimates are provided for new drug and biological products (based on numbers of approved new molecular entities and important new biological products), medical devices (based on premarket approval applications (PMAs) and 510(k) premarketing submissions (510(k)s)), and infant formula and food additives that require premarket approval by FDA's Center for Food Safety and Applied Nutrition (CFSAN).

Under current law, manufacturers may receive additional economic incentives to conduct pediatric studies on drugs for which FDA has requested pediatric studies. For currently marketed drugs, approximately 175 pediatric studies have already been reviewed by IRBs and of these studies, about 100 have been completed. However, FDA estimates that 51 studies have yet to be reviewed by an IRB and another 75 will require an annual review by an IRB. In future years, manufacturers of many newly approved drugs will be required, as a condition of approval, to conduct pediatric studies. Assuming that 3 pediatric studies per new drug require review, FDA estimates that about 138 pediatric studies per year will be conducted for new drugs and biologics. The estimate includes pediatric clinical trials for new drug and biological products that are approved, as well as trials for investigational drugs that reach phase 3 but are not approved. Approximately one-third of investigational drugs reaching phase 3 (when pediatric trials may commence) are never approved for marketing in the United States.

TABLE 1.— ESTIMATED NUMBER OF IRB REVIEWS PER YEAR FOR CLINICAL INVESTIGATIONS IN CHILDREN

	2001	Per year 2002 through 2009
New drug and biological products		
New trials for pre-2001 drug and biological products	51	
Annual review of ongoing trials	75	
Post-1/1/2001 drug and biological products	138	138
New devices (PMAs and 510(k)s)		
Post-1/1/2001 devices	170	170
Foods and Food Additives		
Infant formula	5	5
Food additives	1	1
Total IRB reviews per year	440	314
Total IRB costs per year	$33,000	$23,550

For medical devices, FDA expects about 170 pediatric studies per year to be reviewed by IRBs. About 20 of these pediatric studies per year are for submitted PMAs and the remainder are for submitted 510(k)s. These figures reflect discussions with officials from FDA's Center for Devices and Radiological Health and a review of recent approvals, which found that only about 10 percent of PMAs and 1 percent of 510(k)s are likely to involve pediatric trials. Similar to the estimates shown for drug and biological products, FDA assumed that three pediatric trials were conducted for each submitted PMA or 510(k) involving trials with children.

CFSAN regulates infant formula and food additives. Unlike the regulation of human drugs and medical devices, which require INDs, there is no requirement for sponsors to notify FDA when they are conducting clinical investigations of infant formula and food additives. FDA learns of these trials only when applications are submitted to CFSAN for product review and premarket approval. Therefore, we are less certain of the number of pediatric clinical trials involving these kinds of products, but have based our estimate for these products on the number of pediatric trials in applications submitted to CFSAN. Over the last 5 years, CFSAN has received data from about five trials per year with applications for infant formula. Pediatric trials of food additives are highly unusual. According to one CFSAN official, only a handful of applications containing data from pediatric trials have been received by CFSAN over the last 20 years. (One example is data received on the food additive Olestra that was tested in children because it was known to cause mild diarrhea in adults.) Therefore, we estimated that, per year, one pediatric trial studying food additives is conducted in the United States. The agency seeks particular industry comment on this figure, because of the uncertainty of this estimate.

The total annual cost of reviewing ongoing and future pediatric clinical trials, as shown in table 1 of this document, is estimated to be $33,000 for the year 2001 and $23,550 per year in years 2002 through 2009.

In addition to these annual costs, we assume that each IRB reviewing FDA-regulated pediatric clinical trials will have to conduct a one-time review and update of their standard operating procedure (SOP) documents to include the requirements of this rule. Experts at

FDA estimate that up to 1,500 IRBs may review protocols for research performed under an IND or IDE. Because we believe that most IRBs currently follow procedures similar to those required by this rule, we estimate that changes to existing SOPs will require no more than 8 man-hours. Multiplying the 1,500 IRBs by 8 and applying a standardized cost of $75 per man-hour equals a one-time cost of $900,000. This one-time cost would occur in the year 2001, following implementation of the rule.

This rule specifies that IRBs review ongoing pediatric trials to verify compliance with the requirements of this rule. These reviews are to occur during the first periodic review following the implementation of this rule or sooner, at the discretion of the IRB. If the ongoing trial is not in compliance with the requirements of the rule, the trial, under certain circumstances, could be placed on clinical hold. FDA believes that the likelihood of this occurrence is remote, because IRBs currently reviewing pediatric research are already routinely following HHS subpart D regulations, which are essentially similar to the requirements of this rule (see FDA's information sheets, ''Guidance for Institutional Review Boards and Clinical Investigators''). Furthermore, by the time this rule becomes effective, most pediatric studies conducted in response to FDA requests for studies of marketed drugs under the pediatric exclusivity provision of the Modernization Act will be completed. We therefore have assumed no costs associated with clinical holds, but seek industry comment on this assumption.

We estimate that the costs of this rule will total $933,000 in the year 2001 and $23,550 per year in years 2002 through 2009.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities, unless the rule is not expected to have a significant economic impact on a substantial number of small entities. Although many IRBs are components of small entities, this rule imposes very modest new costs on any individual IRB. The estimated one-time cost of SOP review and revision for any individual IRB is only $600. The estimated additional cost per clinical trial review amounts to only $75. FDA expects that any given IRB will conduct no more than a few reviews of trials involving children. Therefore, under the Regulatory Flexibility Act, the Commissioner of Food and Drugs certifies that this rule will not have a significant economic effect on a substantial number of small entities.

V. Paperwork Reduction Act of 1995

This interim rule contains no new collections of information. The information requested for clinical investigations in children is already covered by the collection of information in IND regulations (21 CFR part 312), IDE regulations (21 CFR part 812), IRB regulations (21 CFR 56.115), food additive petition and nutrient content claim petition regulations (21 CFR 101.69 and 101.70), and infant formula regulations (21 CFR parts 106 and 107) approved by the Office of Management and Budget (OMB).

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB approved the information collection in IND regulations and assigned OMB control number 0910–0014. The approval expires on September 30, 2002. OMB approved the information collection in IDE regulations and assigned OMB control number 0910–0078. The approval expires on August 31, 2003. OMB approved the information collection in IRB regulations and assigned OMB control number 0910–0130. The approval expires on October 31, 2001. OMB approved the information collection in food additive and nutrient content claim petitions and assigned OMB control number 0910–0381. The approval expires on September 30, 2001. OMB approved the information collection in infant formula regulations and assigned OMB control number 0910–0188. The approval expires on February 29, 2004. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

VI. Environmental Impact

The agency has considered the environmental effects of this interim rule and has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Federalism

FDA has analyzed this interim rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the interim rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the interim rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VIII. Opportunity for Public Comment

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this interim rule by July 23, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Submit written comments on the information collection provisions to the Office of Information and Regulatory Affairs, OMB (address above) by May 23, 2001.

List of Subjects

21 CFR Part 50

Human research subjects, Prisoners, Reporting and recordkeeping requirements, Safety.

21 CFR Part 56

Human research subjects, Reporting and recordkeeping requirements, Safety.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 50 and 56 are amended as follows:

PART 50—PROTECTION OF HUMAN SUBJECTS

1. The authority citation for 21 CFR part 50 is revised to read as follows:

Authority: 21 U.S.C 321, 343, 346, 346a, 348, 350a, 350b, 352, 353, 355, 360, 360c–360f, 360h–360j, 371, 379e, 381; 42 U.S.C. 216, 241, 262, 263b–263n.

§ 50.1 [Amended]

2. Amend § 50.1 *Scope* as follows:

a. In the first sentence of paragraph (a) after the word ''including'' add the phrase ''foods, including dietary supplements, that bear a nutrient content claim or a health claim, infant formulas,''.

b. In the third sentence of paragraph (a) add numerically to the list of Federal Food, Drug, and Cosmetic Act sections the numbers ''403,'' ''412,'' and ''413,''.

3. Amend § 50.3 by adding paragraphs (b)(23), (b)(24), (b)(25), (n), (o), (p), (q), (r), and (s) to read as follows:

§ 50.3 Definitions.

* * * * *

(b) * * *

(23) Data and information about a clinical study of an infant formula when submitted as part of an infant formula notification under section 412(c) of the Federal Food, Drug, and Cosmetic Act.

(24) Data and information submitted in a petition for a nutrient content claim, described in § 101.69 of this chapter, or for a health claim, described in § 101.70 of this chapter.

(25) Data and information from investigations involving children submitted in a new dietary ingredient notification, described in § 190.6 of this chapter.

* * * * *

(n) *Assent* means a child's affirmative agreement to participate in a clinical investigation. Mere failure to object may not, absent affirmative agreement, be construed as assent.

(o) *Children* means persons who have not attained the legal age for consent to treatments or procedures involved in clinical investigations, under the applicable law of the jurisdiction in which the clinical investigation will be conducted.

(p) *Parent* means a child's biological or adoptive parent.

(q) *Ward* means a child who is placed in the legal custody of the State or other agency, institution, or entity, consistent with applicable Federal, State, or local law.

(r) *Permission* means the agreement of parent(s) or guardian to the participation of their child or ward in a clinical investigation. Permission must be obtained in compliance with subpart B of this part and must include the elements of informed consent described in § 50.25.

(s) *Guardian* means an individual who is authorized under applicable State or local law to consent on behalf of a child to general medical care when general medical care includes participation in research. For purposes of subpart D of this part, a guardian also means an individual who is authorized to consent on behalf of a child to participate in research.

4. Add subparts C and D to part 50 to read as follows:

Subpart C—[Reserved]

Subpart D—Additional Safeguards for Children in Clinical Investigations

Sec.

Subpart C—[Reserved]

Subpart D—Additional Safeguards for Children in Clinical Investigations

§ 50.50 IRB duties.

In addition to other responsibilities assigned to IRBs under this part and part 56 of this chapter, each IRB must review clinical investigations involving children as subjects covered by this subpart D and approve only those clinical investigations that satisfy the criteria described in § 50.51, § 50.52, or § 50.53 and the conditions of all other applicable sections of this subpart D.

§ 50.51 Clinical investigations not involving greater than minimal risk.

Any clinical investigation within the scope described in §§ 50.1 and 56.101 of this chapter in which no greater than minimal risk to children is presented may involve children as subjects only if the IRB finds and documents that adequate provisions are made for soliciting the assent of the children and the permission of their parents or guardians as set forth in § 50.55.

§ 50.52 Clinical investigations involving greater than minimal risk but presenting the prospect of direct benefit to individual subjects.

Any clinical investigation within the scope described in §§ 50.1 and 56.101 of this chapter in which more than minimal risk to children is presented by an intervention or procedure that holds out the prospect of direct benefit for the individual subject, or by a monitoring procedure that is likely to contribute to the subject's well-being, may involve children as subjects only if the IRB finds and documents that:

(a) The risk is justified by the anticipated benefit to the subjects;

(b) The relation of the anticipated benefit to the risk is at least as favorable to the subjects as that presented by available alternative approaches; and

(c) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians as set forth in § 50.55.

§ 50.53 Clinical investigations involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subjects' disorder or condition.

Any clinical investigation within the scope described in §§ 50.1 and 56.101 of this chapter in which more than minimal risk to children is presented by an intervention or procedure that does not hold out the prospect of direct benefit for the individual subject, or by a monitoring procedure that is not likely to contribute to the well-being of the subject, may involve children as subjects only if the IRB finds and documents that:

(a) The risk represents a minor increase over minimal risk;

(b) The intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, dental, psychological, social, or educational situations;

(c) The intervention or procedure is likely to yield generalizable knowledge about the subjects' disorder or condition that is of vital importance for the understanding or amelioration of the subjects' disorder or condition; and

(d) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians as set forth in § 50.55.

§ 50.54 Clinical investigations not otherwise approvable that present an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.

If an IRB does not believe that a clinical investigation within the scope described in §§ 50.1 and 56.101 of this chapter and involving children as subjects meets the requirements of § 50.51, § 50.52, or § 50.53, the clinical investigation may proceed only if:

(a) The IRB finds and documents that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and

(b) The Commissioner of Food and Drugs, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, education, ethics, law) and following opportunity for public review and comment, determines either:

(1) That the clinical investigation in fact satisfies the conditions of § 50.51, § 50.52, or § 50.53, as applicable, or

(2) That the following conditions are met:

(i) The clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children;

(ii) The clinical investigation will be conducted in accordance with sound ethical principles; and

(iii) Adequate provisions are made for soliciting the assent of children and the permission of their parents or guardians as set forth in § 50.55.

§ 50.55 Requirements for permission by parents or guardians and for assent by children.

(a) In addition to the determinations required under other applicable sections of this subpart D, the IRB must determine that adequate provisions are made for soliciting the assent of the children when in the judgment of the IRB the children are capable of providing assent.

(b) In determining whether children are capable of providing assent, the IRB must take into account the ages, maturity, and psychological state of the children involved. This judgment may be made for all children to be involved in clinical investigations under a particular protocol, or for each child, as the IRB deems appropriate.

(c) The assent of the children is not a necessary condition for proceeding with the clinical investigation if the IRB determines:

(1) That the capability of some or all of the children is so limited that they cannot reasonably be consulted, or

(2) That the intervention or procedure involved in the clinical investigation holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the clinical investigation.

(d) Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement if it finds and documents that:

(1) The clinical investigation involves no more than minimal risk to the subjects;

(2) The waiver will not adversely affect the rights and welfare of the subjects;

(3) The clinical investigation could not practicably be carried out without the waiver; and

(4) Whenever appropriate, the subjects will be provided with additional pertinent information after participation.

(e) In addition to the determinations required under other applicable sections of this subpart D, the IRB must determine that the permission of each child's parents or guardian is granted.

(1) Where parental permission is to be obtained, the IRB may find that the permission of one parent is sufficient, if consistent with State law, for clinical investigations to be conducted under § 50.51 or § 50.52.

(2) Where clinical investigations are covered by § 50.53 or § 50.54 and permission is to be obtained from parents, both parents must give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child if consistent with State law.

(f) Permission by parents or guardians must be documented in accordance with and to the extent required by § 50.27.

(g) When the IRB determines that assent is required, it must also determine whether and how assent must be documented.

§ 50.56 Wards.

(a) Children who are wards of the State or any other agency, institution, or entity can be included in clinical investigations approved under § 50.53 or § 50.54 only if such clinical investigations are:

(1) Related to their status as wards; or

(2) Conducted in schools, camps, hospitals, institutions, or similar settings in which the majority of children involved as subjects are not wards.

(b) If the clinical investigation is approved under paragraph (a) of this section, the IRB must require appointment of an advocate for each child who is a ward.

(1) The advocate will serve in addition to any other individual acting on behalf of the child as guardian or in loco parentis.

(2) One individual may serve as advocate for more than one child.

(3) The advocate must be an individual who has the background and experience to act in, and agrees to act in, the best interest of the child for the duration of the child's participation in the clinical investigation.

(4) The advocate must not be associated in any way (except in the role as advocate or member of the IRB) with the clinical investigation, the investigator(s), or the guardian organization.

PART 56—INSTITUTIONAL REVIEW BOARDS

5. The authority citation for 21 CFR part 56 is revised to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 351, 352, 353, 355, 360, 360c–360f, 360h–360j, 371, 379e, 381; 42 U.S.C. 216, 241, 262, 263b–263n.

§ 56.101 [Amended]

6. Amend § 56.101 *Scope* in the first sentence of paragraph (a) by adding after the word ''including'' the phrase ''foods, including dietary supplements, that bear a nutrient content claim or a health claim, infant formulas,''.

7. Amend § 56.102 by adding paragraphs (b)(21), (b)(22), and (b)(23) to read as follows:

§ 56.102 Definitions.

* * * * *

(b) * * *

(21) Data and information about a clinical study of an infant formula when submitted as part of an infant formula notification under section 412(c) of the Federal Food, Drug, and Cosmetic Act.

(22) Data and information submitted in a petition for a nutrient content claim, described in § 101.69 of this chapter, and for a health claim, described in § 101.70 of this chapter.

(23) Data and information from investigations involving children submitted in a new dietary ingredient notification, described in § 190.6 of this chapter.

8. Amend § 56.109 by adding paragraph (h) to read as follows:

§ 56.109 IRB review of research.

* * * * *

(h) When some or all of the subjects in a study are children, an IRB must determine that the research study is in compliance with part 50, subpart D of this chapter, at the time of its initial review of the research. When some or all of the subjects in a study that is ongoing on April 30, 2001 are children, an IRB must conduct a review of the research to determine compliance with part 50, subpart D of this chapter, either at the time of continuing review or, at the discretion of the IRB, at an earlier date.

9. Amend § 56.111 by adding paragraph (c) to read as follows:

§ 56.111 Criteria for IRB approval of research.

* * * * *

(c) In order to approve research in which some or all of the subjects are children, an IRB must determine that all research is in compliance with part 50, subpart D of this chapter.

Dated: February 28, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–10008 Filed 4–18–01; 4:24 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS UT–038–FOR]

Utah Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Utah regulatory program (hereinafter, the ''Utah program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah's amendment proposed to change the State's rules pertaining to: Definitions of ''abandoned site,'' ''other treatment facilities,'' ''previously mined area,'' ''qualified laboratory,'' and ''significant recreational, timber, economic, or other values incompatible with coal mining and reclamation operations;'' engineering requirements for impoundments and for backfilling and grading; hydrologic requirements for impoundments; requirements for bond release applications; prime farmland acreage; inspection frequency for abandoned sites; and the period in which to pay a penalty when requesting a formal hearing. Utah intended to revise its program to make it consistent with the corresponding Federal regulations and SMCRA.

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Denver Field Division Chief; telephone: (303) 844–1400, extension 1424; e-mail: jfulton@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. You can find background information about Utah's program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program in the January 21, 1981, **Federal Register** (46 FR 5899). You can also find later actions concerning Utah's program and program amendments at 30 CFR 944.15 and 944.30.

II. Submission of the Proposed Amendment

By letter dated December 23, 1999, Utah sent to us an amendment (UT–038–FOR, administrative record No. UT–1133) to its program under SMCRA (30 U.S.C. 1201 *et seq.*). The State sent the amendment in response to a June 19, 1997, letter (administrative record No. UT–1093) that we sent to Utah in accordance with 30 CFR 732.17(c). Changes to the Utah Administrative Rule (Utah Admin. R.) that the State proposed to make are summarized below.

A. Changes to Definitions at Utah Admin. R. 645–100–200

1. *''Abandoned site:''* Utah proposed to revise its definition of this term by changing the conditions sites must meet to be considered abandoned and allowing the Division of Oil, Gas and Mining (the Division) to decide if it wants to inspect abandoned sites less than 12 times a year. The proposed changes also require the Division to make written findings on specific topics to justify a decision to set an alternative inspection frequency;

2. *''Other treatment facilities:''* The State proposed to change this definition to include neutralization and precipitators. Utah also proposed to include in this definition those facilities used to prevent additional contributions of dissolved solids to streamflow or runoff outside the permit area or to comply with all applicable State and Federal water quality laws and regulations;

3. *''Previously mined area:''* Utah proposed to change its definition of this term to mean land affected by coal mining and reclamation operations prior to August 3, 1977, that has not been reclaimed to the standards of Utah Admin. R. 645 or 30 CFR Chapter VII;

4. *''Qualified laboratory:''* The State proposed to change this definition to include those facilities that can provide other services specified at Utah Admin. R. 645–302–299;

5. *''Significant recreational, timber, economic, or other values incompatible with coal mining operations:''* Utah proposed to change its definition of this term by removing the qualifying statement that damage to these values caused by mining must be beyond an operator's ability to repair or restore in order for these values' significance to be evaluated;

B. Changes to Engineering Requirements for Impoundments

1. At Utah Admin. R. 645–301–514.320 and –514.330, Utah proposed to change its description of inspection requirements for impoundments that meet, and those that do not meet, the Class B or C criteria of the Natural Resources Conservation Service's (NRCS) Technical Release 60 (TR–60) or the size or other criteria of 30 CFR 77.216;

2. At Utah Admin. R. 645–301–531, the State proposed to require permit applications to contain detailed design plans for siltation structures, water impoundments, and coal processing waste banks, dams, or embankments located inside the permit area;

3. At Utah Admin. R. 645–301–533.100 and –533.110, Utah proposed to include references to provisions of TR–60 in its descriptions of safety factors required for different sizes and types of impoundments;

4. At Utah Admin. R. 645–301–533.200 and –533.210, the State proposed to include references to provisions of TR–60 for, and expand its description of, foundation safety factors and stability, investigation, and testing requirements for different sizes and types of impoundments;

5. At Utah Admin. R. 645–301–533.610, Utah proposed to include TR–60 in its rules by reference and to require impoundments meeting the Class B or C criteria of TR–60 or the size or other criteria of 30 CFR 77.216 to comply with this section of its rules. Further, at Utah Admin. R. 645–301–533.610 through –533.714, Utah proposed to change its description of the information to be included in detailed design plans for various types and sizes of impoundments;

C. Changes to Engineering Requirements for Backfilling and Grading

At Utah Admin R.645–553.700 and –553.800, the State proposed to revise its definitions of ''thin overburden'' and ''thick overburden,'' respectively, for the purposes of surface coal mining and reclamation activities;

D. Changes to Hydrologic Requirements for Impoundments

1. At Utah Admin. R. 645–301–733.100, Utah proposed to require permit applications to contain detailed design plans for water impoundments located inside the permit area;

2. At Utah Admin. R. 645–301–733.210, the State proposed to allow the

Division to develop design standards for impoundments not included in Utah Admin. R. 645–301–533.610 (discussed previously under Part II.B.5 of this final rule), that ensure stability comparable to a minimum static safety factor of 1.3 in lieu of requiring engineering tests to ensure that level of safety;

3. At Utah Admin. R. 645–301–742.200, Utah proposed to require siltation structures to comply with the design criteria for sediment control measures in Utah Admin. R. 645–301–742;

4. At Utah Admin. R. 645–301–742.224, the State proposed to allow construction of temporary impoundments as sedimentation ponds that will contain and control all runoff from a design precipitation event without using spillways if they meet certain conditions;

5. At Utah Admin. R. 645–301–742.225.1, for impoundments that meet the NRCS Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a), Utah proposed to require them to be designed to control the probable maximum precipitation of a 6-hour event, or a greater event if specified by the Division;

6. At Utah Admin. R. 645–301–742.225.2, the State repeated the requirement stated above in Part II.D.5 of this final rule for Utah Admin. R. 645–301–742.225.1;

7. At Utah Admin R. 645–301–743.100, the State proposed to require impoundments that meet the NRCS Class B or C criteria for dams of TR–60 to comply with this section of Utah's rules and the table in TR–60 entitled, ''Minimum Emergency Spillway Hydrologic Criteria;''

8. At Utah Admin. R. 645–301–743.120, Utah proposed to require impoundments that meet the NRCS Class B or C criteria for dams of TR–60 to comply with the freeboard hydrograph criteria in the TR–60 table entitled, ''Minimum Emergency Spillway Hydrologic Criteria;''

9. At Utah Admin. R. 645–301–743.131.3 through –743.131.6, the State proposed spillway design precipitation events for temporary and permanent impoundments of different types and sizes that meet the spillway requirements of Utah Admin. R. 645–301–743.130;

E. Adding Requirements for Bond Release Applications at Utah Admin. R. 645–301–880.130:

The State's proposed rule requires permittees to include in a bond release application a notarized statement certifying that all applicable reclamation activities have been completed as required by the Utah Code Annotated (UCA) sections 40–10–1 *et seq.*, the regulatory program, and the approved reclamation plan. Also, each application for each phase of bond release must include this certification;

F. Adding Requirements for Prime Farmland Acreage at Utah Admin. R. 645–302–316.500

Utah's proposed rule does not allow a decrease in the aggregate total acreage of prime farmland after reclamation from the acreage that existed before mining. It requires Division approval of water bodies built during mining and reclamation along with the consent of all affected property owners in the permit area. Also, the proposed rule requires water bodies to be located in parts of the permit area that will not be reclaimed to prime farmland;

G. Adding an Alternative Inspection Frequency for Abandoned Sites at Utah Admin. R. 645–400–132

Utah proposed to allow the Division to inspect abandoned sites on a frequency that it sets using procedures proposed under the definition of ''abandoned site'' at Utah Admin. R. 645–100–200. The State's proposed definition changes are described in Part II. A of this final rule; and

H. Changing the Time in Which To Pay a Penalty When Requesting a Formal Hearing at Utah Admin. R. 645–401–810

The State proposed to extend to 30 days the period in which a permittee, charged with a violation, must pay a reassessed or affirmed civil penalty to the Division when requesting a formal hearing. The 30-day period begins with the date of service of a conference officer's action.

We announced receipt of the proposed amendment in the January 14, 2000, **Federal Register** (65 FR 2364). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (administrative record No. UT–1136). We did not hold a public hearing or meeting because nobody requested one. The public comment period ended on February 14, 2000.

During our review of the amendment, we identified a concern about a substantive typographical error at proposed Utah Admin. R. 645–301–742.225.2. In that rule, the State inadvertently repeated the wording it proposed at Utah Admin. R. 645–301–742.225.1 and proposed to remove existing wording. These rules allow exceptions to the sediment pond location provision at Utah Admin. R. 645–301–742.224. We notified Utah of our concern, and a suggested minor editorial change, by letter dated April 17, 2000 (administrative record No. UT–1142).

Utah responded in a letter dated November 27, 2000, (administrative record No. UT–1147) with a revised amendment. We reopened and extended the comment period for the revised amendment in the January 9, 2001, **Federal Register** (66 FR 1616; administrative record No. UT–1155). The extended comment period closed January 24, 2001. Utah's revision corrected proposed Utah Admin. R. 645–301–742.225.2 and made one minor editorial change at proposed Utah Admin. R. 645–301–742.225. A description of the editorial change appears below in Part III. A. of this final rule and the correction is described in Part III.B.

III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below.

A. Minor Revisions to Utah's Rules

Utah proposed one minor editorial change in response to our April 17, 2000, concern letter (administrative record No. UT–1142). The State added the word ''where'' to the end of the clause at Utah Admin. R. 645–301–742.225 that leads into the two exceptions to sediment pond location guidance at Utah Admin. R. 645–301–742.225.1 and –742.225.2. With the proposed change, the clause now reads, ''An exception to the sediment pond location guidance in R645–301–752.224 may be allowed where: * * *'' (30 CFR 816.49(c)(2) and 817.49(c)(2)). Because this is a minor change, we find that it will not make Utah's rules less effective than the corresponding Federal regulations.

B. Revisions to Utah's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

Utah proposed revisions to the following rules containing language that is the same as or similar to the corresponding sections of the Federal regulations:

Utah Admin. R. 645–100–200, revised definition of ''Abandoned Site'' with provisions for an alternate inspection frequency, and partial removal of existing wording, in paragraphs (d), (d)(i), (d)(ii), (e), (e)(1), (e)(1)(i) through (1)(vi), (e)(2), (e)(2)(i) and (ii), (f), (f)(i), and (f)(ii), (30 CFR 840.11(g), (g)(4)(i)

and (ii), 11(h) and (h)(1), 11(h)(1)(i) through (vi), and 11(h)(2), (2)(i), and (2)(ii); item XII.A of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–100–200, revised definition of ''Other Treatment Facilities'' (30 CFR 701.5; item XI.A.1 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–100–200, revised definition of ''Previously Mined Area'' and partial removal of existing wording (30 CFR 701.5; item VIII.A of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–100–200, revised definition of ''Qualified Laboratory'' and removal of the word ''or'' between clauses (30 CFR 795.3; item X.A.1 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–100–200, revised definition of ''Significant Recreational, Timber, Economic, or Other Values Incompatible With Coal Mining and Reclamation Operations'' with the existing phrase ''beyond an operator's ability to repair or restore,'' removed (30 CFR 761.5; item VI.A.1 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–514.320, addition of requirements for inspecting impoundments that meet, and those that do not meet, the Class B or C criteria of TR–60 or the size or other criteria of 30 CFR 77.216, and removal of existing provisions in this section and at Utah Admin. R. 645–301–514.330 (30 CFR 816.49(a)(12) and 817.49(a)(12); item XI.A.4 of OSM's 6/19/97 Part 732 letter); Utah Admin. R. 645–301–531, addition of a requirement for detailed design plans for siltation structures, water impoundments, and coal processing waste banks, dams or embankments in each permit application, and removal of the term ''sediment ponds'' (30 CFR 780.25(a) and 784.16(a); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–533.100 and 533.110, addition of static safety factor requirements for impoundments that meet, and those that do not meet, the Class B or C criteria of TR–60 or the size or other criteria of 30 CFR 77.216(a), and removal of existing provisions (30 CFR 816.49(a)(4)(i)and (4)(ii) and 817.49(a)(4)(i) and (a)(4)(ii); item XI.A.4 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–533.200 and 533.210, addition of foundation construction, investigation, and testing requirements for temporary and permanent impoundments, and removal of existing provisions (30 CFR 816.49(a)(6)(i)and 817.49(a)(6)(i); item XI.A.4 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–533.610 through 533.614, addition of permitting requirements for impoundments meeting the Class B or C criteria for dams in TR–60 and that meet or exceed the criteria of 30 CFR 77.216(a), and removal of existing provisions (30 CFR 780.25(a)(2), and (a)(2)(i) through (a)(2)(iv) and 784.16(a)(2), and (a)(2)(i) through (a)(2)(iv); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–533.620, addition of a requirement for permit applications to include a stability analysis for impoundments meeting the Class B or C criteria for dams in TR–60, and removal of existing provisions (30 CFR 780.25(f) and 784.16(f); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–533.710 through 533.714, addition of provisions describing detailed design plans for impoundments not included in Utah Admin. R. 645–3–1–533.610, as revised by this amendment, and removal of existing provisions (30 CFR 780.25(a)(3) and (a)(3)(i) through (a)(3)(iv), and 784.16(a)(3) and (a)(3)(i) through (a)(3)(iv); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–553.700, addition of provisions defining ''thin overburden'' and removal of existing provisions (30 CFR 816.105(a); item VI.A.5 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–733.210, addition of design requirements for permanent and temporary impoundments that are not included in Utah Admin. R. 645–3–1–533.610, as revised by this amendment, and removal of existing provisions (30 CFR 780.25(c)(2) and (c)(3) and 784.16(c)(2) and (c)(3); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–742.200, addition of permit application requirements for siltation structure designs (30 CFR 780.25(b) and 784.16(b); item XI.A.3 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–742.224, revision of permit application requirements to allow construction of temporary impoundments as sedimentation ponds that will contain and control all runoff from a design precipitation event without using spillways if they meet certain conditions (30 CFR 780.25(b) and 784.16(b));

Utah Admin. R. 645–301–742.225.1, addition of an exception to the sediment pond location guidance at Utah Admin. R. 645–301–742.224 for impoundments meeting the Class B or C criteria in TR–60 or the size or other criteria of 30 CFR 77.216(a), and removal of existing provisions (30 CFR 816.49(c)(2)(i) and 817.49(c)(2)(i); item XI.A.4 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–742.225.2, addition of an exception to the sediment pond location guidance at Utah Admin. R. 645–301–742.224 for impoundments not included in Utah Admin. R. 645–301–742.225.1, and removal of existing provisions (30 CFR 816.49(c)(2)(ii) and 817.49(c)(2)(ii); item XI.A.4 of OSM's 6/19/97 Part 732 letter). This is the correction Utah submitted in the November 27, 2000, revision to its amendment in response to our concern;

Utah Admin. R. 645–301–743.120, addition of a requirement that impoundments meeting the Class B or C criteria of TR–60 comply with the freeboard hydrograph criteria in ''Minimum Emergency Spillway Hydrologic Criteria'' table of TR–60 (30 CFR 816.49(a)(5) and 817.49(a)(5); item XI.A.4 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–743.131.3 through 743.131.6, addition of design precipitation event criteria for impoundments meeting certain spillway requirements (30 CFR 816.49(a)(9)(ii), and (9)(ii)(A), (B), and (C), and 817.49(a)(9)(ii), and (9)(ii)(A), (B), and (C); item XI.A.4 of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–301–880.130, addition of a requirement for a notarized statement in the bond release application certifying that all applicable reclamation activities have been accomplished (30 CFR 800.40; item V.A of OSM's 6/19/97 Part 732 letter);

Utah Admin. R. 645–302–316.500, addition of new permitting provisions for total prime farmland acreage and construction of water bodies in relation to prime farmlands (30 CFR 785.17(e); item I.A.1 of OSM's 6/19/97 Part 732 letter); and

Utah Admin. R. 645–401–810, revised provision for contesting a proposed penalty or fact of a violation within 30 days from the date of service of the conference officer's action, and removal of the existing provision for doing so within 15 days (30 CFR 723.19 and 845.19; item III.A of OSM's 6/19/97 Part 732 letter).

Because these proposed rules contain wording that is the same as or similar to the corresponding Federal regulations, we find that they are no less effective than the corresponding Federal regulations.

C. Revisions to Utah's Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulations

1. Definition of ''Thick Overburden'' at Utah Admin. R. 645–301–553.800

Utah proposes to change its definition of ''thick overburden'' by removing language that explains the specific numerical limit on which determining the existence of thick overburden was based. This change is consistent with

the same change we made to the Federal definition in 1991. In place of the numerical limit, Utah proposes to base determinations of thick overburden on whether the thickness of overburden as increased by the swell factor ''* * * plus the thickness of other available waste materials * * *'' is greater than the combined thickness of the overburden and the coal before removing the coal. There is no counterpart to the phrase ''* * * plus the thickness of other available waste materials * * *'' in the corresponding part of the Federal definition of ''thick overburden'' at 30 CFR 816.105(a).

References to ''other waste materials'' appear in SMCRA and in other parts of the corresponding definition in the Federal regulations. Reference to the thickness of other available waste materials is in the beginning statement in the Federal definition of what ''thick overburden'' means at CFR 816.105(a). It also follows in that definition's next statement of where thick overburden occurs. Both parts correspond to identical wording in the same parts of Utah's proposed definition. Further, section 515(b)(3) of SMCRA provides ''[t]hat in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil *and waste materials* removed in the course of the mining operations is more than sufficient to restore the approximate contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil *and waste material* * * *'' (emphasis added). [''Spoil'' is defined at 30 CFR 701.5 as ''* * * overburden that has been removed during surface coal mining operations.'']

Utah's proposed definition also uses two terms that are not in the Federal definition. It uses ''topography'' where the Federal definition uses ''surface configuration'' and refers to thickness of the ''coal'' compared to the coal ''bed'' in the Federal definition. The first part of the third definition of ''topography'' in Webster's Ninth New Collegiate Dictionary is ''the *configuration of a surface* including its relief and the position of its natural and man-made features'' (emphasis added). Reference to ''* * * the combined thickness of the overburden and the coal prior to removing the coal * * *'' in Utah's definition has the same meaning as the Federal definition's ''* * * the combined thickness of the overburden and coal *bed* prior to removing the coal * * *'' (emphasis added) because both refer to the thickness of the actual layer, stratum, or deposit of coal that mining removes. This is consistent with the definition of the word ''bed'' in the Second Edition of the American Geologic Institute's Dictionary of Mining, Mineral, and Related Terms (meaning ''layer'' or ''stratum'') and use of the term ''coal deposit'' in the discussion of thin and thick overburden at section 515(b)(3) of SMCRA.

As described above, we find Utah's proposed definition of thick overburden to be consistent with, and no less stringent than, SMCRA and to be consistent with, and no less effective than, the Federal regulations.

2. Requirement at Utah Admin. R. 645–301–743.100 for Certain Impoundments To Comply With the ''Minimum Emergency Spillway Hydrologic Criteria'' Table in TR–60

Utah's proposed rule explicitly requires impoundments meeting the Class B or C criteria for dams in TR–60 to comply with the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60 and the requirements of Utah Admin. R. 645–301–743. That requirement corresponds to identical wording in the counterpart Federal regulations. The State's proposed rule does not incorporate TR–60 by reference in the State's hydrology performance standards for impoundments. However, Utah proposes to incorporate TR–60 in its entirety into its rules at Utah Admin. R. 645–301–533.610, which we found in Part III.A.10 of this final rule to have the same meaning as, and therefore is no less effective than, the counterpart Federal regulations. That incorporation of TR–60 by reference ties into the State's hydrology provisions through a number of other cross-references. Utah's engineering performance standards at Utah Admin. R. 645–301–560 require coal mining and reclamation operations (which include impoundments by definition) to be conducted in accordance with requirements of Utah Admin. R. 645–301–510 through 301–553. At Utah Admin. R. 645–301–512.240, the State requires professional engineers to use current and prudent engineering practices, to be experienced in impoundment design and construction, and to certify impoundment designs in accordance with Utah Admin. R. 645–301–743. Also, at Utah Admin. R. 645–301–533.600, Utah requires impoundments meeting MSHA's criteria at 30 CFR 77.216(a) to comply with 30 CFR 77.216 and Utah Admin. R. 645–301–743, among other State rules. Under Utah Admin. R. 645–301–552.200, the State may approve permanent impoundments if they meet the requirements of Utah Admin. R. 645–301–743 and several other State rules.

In the preamble to our proposed rulemaking at 30 CFR 780.25 and 784.16 (56 FR 29774, 29776; June 28, 1991) we explained that editorial changes and ''the addition of specific reference to the SCS criteria for dam classification found in their Technical Release No. 60 (TR–60) * * * are needed to ensure that the permitting requirements for impoundments [i.e., 30 CFR 780 and 784] are consistent with the performance standards for impoundments [i.e., 30 CFR 816 and 817] that are tied both to SCS standards and MSHA requirements.'' As proposed in this amendment at Utah Admin. R. 645–301–533, 645–301–733, 645–301–742, and 645–301–743, which include permitting requirements and performance standards, Utah's rules ensure that its permitting requirements for impoundments are consistent with its performance standards by explicitly invoking the specific criteria for dam classification found in TR–60.

There are other differences between Utah's proposed rule and the Federal regulations that are minor. One is Utah's current reference to the Natural Resources Conservation Service, which corresponds to the Federal regulations' outdated reference to the Soil Conservation Service. The other is the State's inclusion of Utah addresses where people can get copies of TR–60, which correspond to Virginia and Washington addresses in the Federal regulations.

Unless stated otherwise, Utah's rules do not address surface and underground mining separately. This proposed Utah Admin. R. 645–301–743 applies to both.

We find proposed Utah Admin. R. 645–301–743 to be no less effective than counterpart 30 CFR 816.49(a)(1) and 817.49(a)(1). Our finding is based on the State's proposed incorporation of TR–60 in its rules at Utah Admin. R. 645–301–533.610 and the explicit references in Utah Admin. R. 645–301–743, and in other rules being changed in this amendment, to specific criteria of TR–60 that correspond to identical references in the counterpart Federal regulations.

3. Alternate Inspection Frequency for Abandoned Sites at Utah Admin. R. 645–400.132

Utah proposes to add to its provision for complete inspection frequency another provision for inspecting abandoned sites on an alternate frequency determined according to the procedures included in the definition of

''abandoned sites'' proposed at Utah Admin. R. 645–100–200.

As noted in Part III.B. of this final rule, we find the revised definition of ''abandoned sites'' that the State proposed at Utah Admin. R. 645–100–200 (as part of this amendment) to have the same meaning as, and therefore to be no less effective than, the Federal definition at 30 CFR 840.11(g). As also noted in Part III.B. of this final rule, we find Utah's alternate inspection frequency provisions for abandoned sites in paragraph (e) of the definition at Utah Admin. R. 645–100–200 (also as proposed in this amendment) to have the same meaning as, and to be no less effective than, the Federal alternate inspection frequency at 30 CFR 840.11(h). The counterpart Federal regulation for complete inspection frequency at 30 CFR 840.11(b) does not include a cross reference to the alternate inspection frequency for abandoned sites; the Federal definition of ''abandoned site'' already appears in the same section under subsection 840.11(g), and the alternate inspection frequency for abandoned sites is found at 840.11(h). Because Utah defines ''abandoned sites'' at Utah Admin. R. 645–100–200 along with most of its regulatory terms, and its requirement for complete inspection frequency is at Utah Admin. R. 645–400–132, the cross reference in the State's rule for complete inspection frequency to its definition of abandoned site provides a clear connection between the two.

Moreover, the statement in Utah's proposed rule that ''Abandoned sites *may* be inspected on a frequency as determined under the definition of 'abandoned site' at Utah Admin. R. 645–100–200 * * *'' [emphasis added] leaves intact DOGM's requirement for conducting *no less* than one complete inspection of abandoned sites each calendar year while leaving open the option of inspecting them more frequently.

For these reasons, we find that Utah's proposed rule will provide for the same alternate inspection frequency for abandoned sites that the counterpart Federal regulation provides for, and therefore is no less effective than the Federal regulation.

D. Revisions to Utah's Rules With No Corresponding Federal Regulations

Requirement at Utah Admin. R. 645–301–733.100 That Permit Applications Include a Detailed Design Plan for Each Proposed Water Impoundment

Utah proposes to revise its hydrology provisions for impoundments by adding the requirement that permit applications include a detailed design plan for each proposed water impoundment in the proposed permit area. Adding this requirement to this rule makes Utah's hydrology provisions for permit applications consistent with its engineering provisions because the State also proposes to add a provision for detailed design plans at Utah Admin. R. 645–301–531 as part of this rulemaking.

There are no direct counterparts to this proposed rule in the Federal regulations, but 30 CFR 780.25(a) and 784.16(a) for surface and underground mining, respectively, are similar. On the other hand, 30 CFR 780.25(a) and 784.16(a) are the direct counterparts to Utah Admin. R. 645–301–531. Utah Admin. R. 645–301–530 *et seq.*, which include Utah Admin. R. 645–301–531, contain the operational design criteria and plans requirements for the engineering component of permit applications, as noted above. The Federal regulations at 30 CFR 780 *et seq.* and 784 *et seq.* include permit application requirements for reclamation and operation plans for surface and underground mining, respectively. Utah does not separate these rules for surface and underground mining; the revised rule applies to both.

Proposed Utah Admin. R. 645–301–531 references ''* * * each proposed siltation structure, water impoundment, and coal processing waste bank, dam or embankment within the proposed permit area * * *,'' compared to the reference to ''* * * each proposed water impoundment * * *'' in Utah Admin. R. 645–301–733.100. Our review of other changes to Utah Admin. R. 645–301–531 and the State's proposal to add the phrase ''and detailed design plans'' found that rule, with the proposed changes, has the same meaning as counterparts 30 CFR 780.25(a) and 784.16(a). The revision of Utah Admin. R. 645–301–733.100 is consistent with proposed Utah Admin. R. 645–301–531. We find these proposed rules are consistent with, and no less effective than, the counterpart Federal regulations at 30 CFR 780.25(a) and 784.16(a) for surface and underground mining, respectively.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the original amendment in the January 14, 2000, proposed rule **Federal Register** (65 FR 2365; administrative record No. UT–1136), and in letters dated January 6, 2000, that we sent to several organizations (administrative record No. UT–1135). We also asked for public comments on the revised amendment in the January 9, 2001, **Federal Register** (66 FR 1616; administrative record No. UT–1155) and in letters dated December 13, 2000 (administrative record No. UT–1152), which we sent to the same organizations we previously contacted for comments about the original amendment.

In a letter dated February 2, 2000, the Utah Mining Association (UMA) noted that it participated in preparing and reviewing the proposed rules in the original amendment and supported them in hearings before the Utah Board of Oil, Gas and Mining. UMA suggested no additional changes and urged us to approve the amendment (administrative record no. UT–1140).

The UMA also responded to our December 13, 2000, request for comments on the revised amendment by noting again its participation in Utah's rulemaking process and its support for the proposed rules. UMA encouraged us to complete the approval process (administrative record No. UT–1153).

We did not receive any other public comments on the original or revised amendment.

Federal Agency Comments

In a letter dated January 6, 2000, we requested comments on the amendment under 30 CFR 732.17(h)(11)(i) from various Federal agencies with an actual or potential interest in the Utah program (administrative record No. UT–1135). We also asked for the same agencies' comments on the revised amendment in letters dated December 13, 2000 (administrative record No. UT–1152).

The U.S. Department of the Interior, Bureau of Land Management (BLM), responded to our January 6, 2000, request in a letter dated January 25, 2000 (administrative record no. UT–1138). BLM said the proposed changes are understandable and appropriate for regulating coal mining in Utah, and did not suggest any changes.

We also received comments on the original amendment from the Utah Field Office of the U.S. Department of the Interior, Fish and Wildlife Service (FWS). In its letter dated January 27, 2000, FWS provided general and specific comments (administrative record no. UT–1139). In general, FWS stated its concern that active coal mining activities and abandoned mines can adversely affect fish, wildlife, and plant species through habitat loss and alteration and other human activities. FWS added that mined land reclamation and restoration should evaluate conditions for fish, wildlife, plants, and other organisms that are important to the proper functioning of ecosystems. In

that context, FWS specifically recommended adding the word ''biotic'' to part (e)(1)(ii) of the definition of ''abandoned site'' at Utah Admin. R. 645–100–200. The phrase at that part is one criterion of several that DOGM must affirm in writing when selecting an alternate inspection frequency for abandoned sites. Utah proposed this phrase in its amendment to read ''[w]hether, and to what extent, there exist on the site impoundments, earthen structures or other conditions that pose, or may reasonably be expected to change into, imminent dangers to the health or safety of the public or significant environmental harms to land, air, or water resources * * *.'' With the FWS recommendation, the phrase would address ''land, air, water, or biotic resources.''

We agree with FWS in principle and believe Utah's rule considers fish, wildlife, plants, and other organisms as proposed in this amendment. At Utah Admin. R. 645–100–200, the State defines ''significant, imminent environmental harm to land, air, or water resources'' to mean, in part, an environmental harm that has ''an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life * * *.'' This definition is Utah's counterpart to the Federal definition of the same term at 30 CFR 701.5. Because Utah proposed to define abandoned site with wording that is similar to, or the same as, that used in the counterpart Federal definition, we found the proposed definition to have the same meaning as, and therefore to be no less effective than, the Federal definition. We state that finding in Part III.B. of this final rule. We therefore conclude that Utah does not need to change its proposed rule in response to this comment.

In a telephone message of January 3, 2001, the Natural Resources Conservation Service commented that it concurred with Utah's amendment as revised on November 27, 2000 (administrative record No. UT–1154).

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written agreement from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Utah proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to agree on the amendment. However, under 30 CFR 732.17(h)(11)(i), we asked EPA to comment on the original and revised amendment (administrative record No. UT–1135). EPA did not respond.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On January 6, 2000, we requested comments on the State's original amendment from the Utah SHPO and the ACHP (administrative record No. UT–1135). We asked for their comments on the revised amendment in letters dated December 13, 2000 (administrative record No. UT–1152). In a letter dated January 14, 2000, the SHPO responded that it had no comments about the original amendment (administrative record No. UT–1137). The ACHP did not respond to our requests.

V. Director's Decision

Based on the above findings, we approve the amendment sent to us by Utah, as revised on November 27, 2000.

We approve the following proposed rules as discussed in: Finding No. III.A: At Utah Admin. R. 645–301–742.225, addition of the word ''where'' to the end of the clause; in Finding No. III.B: At Utah Admin. R. 645–100–200: Revised definitions of ''Abandoned Site;'' ''Other Treatment Facilities;'' ''Previously Mined Area;'' ''Qualified Laboratory;'' and ''Significant Recreational, Timber, Economic, or Other Values Incompatible With Coal Mining and Reclamation Operations;'' at Utah Admin. R. 645–301–514.320, addition of requirements for inspecting impoundments that meet, and those that do not meet, the Class B or C criteria of TR–60 or the size or other criteria of 30 CFR 77.216, and removal of existing provisions in this section and at Utah Admin. R. 645–301–514.330; at Utah Admin. R. 645–301–531, addition of a requirement for detailed design plans for siltation structures, water impoundments, and coal processing waste banks, dams or embankments in each permit application, and removal of the term ''sediment ponds;'' at Utah Admin. R. 645–301–533.100 and 533.110, addition of static safety factor requirements for impoundments that meet, and those that do not meet, the Class B or C criteria of TR–60 or the size or other criteria of 30 CFR 77.216(a), and removal of existing provisions; at Utah Admin. R. 645–301–533.200 and 533.210, addition of foundation construction, investigation, and testing requirements for temporary and permanent impoundments, and removal of existing provisions; at Utah Admin. R. 645–301–533.610 through 533.614, addition of permitting requirements for impoundments meeting the Class B or C criteria for dams in TR–60 and that meet or exceed the criteria of 30 CFR 77.216(a), and removal of existing provisions; at Utah Admin. R. 645–301–533.620, addition of requirement for permit applications to include a stability analysis for impoundments meeting the Class B or C criteria for dams in TR–60, and removal of existing provisions; at Utah Admin. R. 645–301–533.710 through 533.714, addition of provisions describing detailed design plans for impoundments not included in Utah Admin. R. 645–3–1–533.610, and removal of existing provisions; at Utah Admin. R. 645–301–553.700, revised definition of ''thin overburden;'' at Utah Admin. R. 645–301–733.210, addition of design requirements for permanent and temporary impoundments that are not included in Utah Admin. R. 645–3–1–533.610, and removal of existing provisions; at Utah Admin. R. 645–301–742.200, addition of permit application requirements for siltation structure designs; at Utah Admin. R. 645–301–742.224, revision of permit application requirements to allow construction of temporary impoundments as sedimentation ponds that will contain and control all runoff from a design precipitation event without using spillways if they meet certain conditions; at Utah Admin. R. 645–301–742.225.1, revised exception to the sediment pond location guidance at Utah Admin. R. 645–301–742.224 for impoundments meeting the Class B or C criteria in TR–60 or the size or other criteria of 30 CFR 77.216(a), and removal of existing provisions; at Utah Admin. R. 645–301–742.225.2, revised exception to the sediment pond location guidance at Utah Admin. R. 645–301–742.224 for impoundments not included in Utah Admin. R. 645–301–742.225.1, and removal of existing provisions; at Utah Admin. R. 645–301–743.120, addition of a requirement that impoundments meeting the Class B or C criteria of TR–60 comply with the freeboard hydrograph criteria in ''Minimum Emergency Spillway Hydrologic Criteria'' table of TR–60; at Utah Admin. R. 645–301–743.131.3 through 743.131.6, addition of design precipitation event criteria for impoundments meeting certain spillway requirements; at Utah Admin. R. 645–301–880.130, addition of a requirement for a notarized statement in the bond

release application certifying that all applicable reclamation activities have been accomplished; at Utah Admin. R. 645–302–316.500, addition of new permitting provisions for total prime farmland acreage and construction of water bodies in relation to prime farmlands; and at Utah Admin. R. 645–401–810, revised provision for contesting a proposed penalty or fact of a violation within 30 days from the date of service of the conference officer's action; in Finding No. III.C.1, the definition of ''Thick Overburden'' at Utah Admin. R. 645–100–200; in Finding No. III.C.2, the requirement at Utah Admin. R. 645–301–743.100 for certain impoundments to comply with the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60; in Finding No. III.C.3, the alternate inspection frequency for abandoned sites at Utah Admin. R. 645–400.132; and in Finding D, the requirement at Utah Admin. R. 645–301–733.100 that permit applications include a detailed design plan for each proposed water impoundment.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 944, which codify decisions concerning the Utah program. We are making this final rule effective immediately to expedite the Utah program amendment process and to encourage states to make their programs conform to the Federal standards. SMCRA requires consistency of state and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988—Civil Justice Reform

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed state regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Utah submittal that is the subject of this rule is based on counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect on a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by Utah. In making the determination as to whether this rule would have a significant economic impact, the Department relied on the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million;

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based on the fact that the Utah submittal that is the subject of this rule is based on counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

OSM determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on any local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 26, 2001.

Brent Wahlquist,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR 944 is amended as described below:

PART 944—UTAH

1. The authority citation for part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 944.15 Approval of Utah regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	*	* * * *
December 23, 1999	4/24/01	Definitions of ''abandoned site,'' ''other treatment facilities,'' ''previously mined area,'' ''qualified laboratory,'' and ''significant recreational, timber, economic, or other values incompatible with coal mining and reclamation operations'' at Utah Admin. R. 645–100–200; Utah Admin. R. 645–301–514.320 and –514.330; –301–531; –301–533.100 and –533.110; –301–533.200 and 210; –301–533–610 through 614; –301–533.620; –301–533.700 through 714; –301–553.700; –301–553.800; –301–733.100; –301–733.210; –301–742.200; –301–742.224; –301–742.225, –742.225.1 and –742.225.2; –301–743.100; –301–743.120; –301–743.131.3 through 131.6; –301–880.130; –302–316.500; R. 645–400.132; and R. 645–401–810.

[FR Doc. 01–9968 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–980, MM Docket No. 01–28, RM–10043]

Digital Television Broadcast Service; Albuquerque, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of The Board of Regents of the University of New Mexico and the Board of Education of the City of Albuquerque, New Mexico, licensee of noncommercial educational station KNME–TV, substitutes DTV channel *35 for DTV channel *25 at Albuquerque, New Mexico. *See* 66 FR 9061, February 6, 2001. DTV channel *35 can be allotted to Albuquerque in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35–12–44 N. and 106–26–57 W.) with a power of 250, HAAT of 1289 meters and with a DTV service population of 762 thousand. With this action, this proceeding is terminated.

DATES: Effective June 7, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–28, adopted April 18, 2001, and released April 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under New Mexico, is amended by removing DTV channel *25 and adding DTV channel *35 at Albuquerque.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–10156 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–978, MM Docket No. 01–16, RM–10029]

Digital Television Broadcast Service; Eugene, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KEZI, Inc., licensee of station KEZI-TV, substitutes DTV channel 44 for DTV channel 14 at Eugene, Oregon. *See* 66 FR 8558, February 1, 2001. DTV channel 44 can be allotted to Eugene in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (44–06–57 N. and 122–59–57 W.) with a power of 548, HAAT of 501.5 meters and with a DTV service population of 441 thousand.

With this action, this proceeding is terminated.

DATES: Effective June 7, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–16, adopted April 18, 2001, and released April 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services,

Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Oregon, is amended by removing DTV channel 14 and adding DTV channel 44 at Eugene.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–10157 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–979, MM Docket No. 01–17, RM–10037]

Digital Television Broadcast Service; Lubbock, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Cosmos Broadcasting Corporation, licensee of KCBD(TV), substitutes DTV channel 9 for DTV channel 43 at Lubbock, Texas. See 66 FR 8557, February 1, 2001. DTV channel can be allotted to Lubbock in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (33–32–32 N. and 101–50–14 W.) with a power of 15.0, HAAT of 232 meters and with a DTV service population of 336 thousand.

With this action, this proceeding is terminated.

DATES: Effective June 7, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–17, adopted April 18, 2001, and released April 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Texas, is amended by removing DTV channel 43 and adding DTV channel 9 at Lubbock.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–10158 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATES: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted March 21, 2001, and released March 30, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 289A and adding Channel 289C3 at Baldwin.

3. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by removing Channel 224A and adding Channel 224C3 at Hilo.

4. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 232C3 and adding Channel 232C2 at Rexburg.

5. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 291C2 and adding Channel 291C3 at Elk River and by removing Channel 227C and adding Channel 227C1 at Nisswa.

6. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 286C1 and adding Channel 288C1 at St. Joseph.

7. Section 73.202(b), the Table of FM Allotments under Montana, is amended by removing Channel 263C1 and adding Channel 263C3 at Baker, by removing Channel 298C and adding Channel 298C1 at Billings, and by removing Channel 250C and adding Channel 250C1 at Dutton.

8. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by removing Channel 248C1 and adding Channel 248C at Mesquite.

9. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by removing Channel 252A and adding Channel 252C3 at Laconia.

10. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 241A and adding Channel 241C3 at Norwood.

11. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 288C2 and adding Channel 288C3 at Coalgate and by removing Channel 292A and adding Channel 292C3 at Durant.

12. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 281C1 and adding Channel 281C2 at Sisters.

13. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 255C and adding Channel 255C1 at Munford.

14. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 228C3 and adding Channel 228A at Greenville, by removing Channel 268C2 and adding Channel 268C1 at Snyder, and by removing Channel 223A and adding Channel 223C3 at Wake Village.

15. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by removing Channel 265C2 and adding Channel 265C3 at Berlin.[1]

16. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 244A and adding Channel 244C3 at Laramie and by removing Channel 300A and adding Channel 299C at Midwest.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–10159 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–P

[1] Station WGTK was modified in MM Docket No. 98–72 by substituting Channel 265C2 for Channel 265A. The license was further modified by granting a request to reallot Channel 265C2 from Middlebury, Vermont, to Berlin, Vermont, as the new community of license. See 65 FR 3150, January 20, 2000.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000301054–1054; I.D. 053000D]

RIN 0648–AN27

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Observer Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP) to provide for an at-sea observation program on all limited entry and open access catcher vessels. This final rule requires vessels in the groundfish fishery to carry observers when notified by NMFS or its designated agent; establishes notification requirements for vessels that may be required to carry observers; and establishes responsibilities and defines prohibited actions for vessels that are required to carry observers. The at-sea observation program is intended to improve estimates of total catch and fishing mortality.

DATES: Effective May 24, 2001.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/FRFA) may be obtained from the Pacific Fishery Management Council (Council) by writing to the Council at 2130 SW Fifth Avenue, Suite 224, Portland OR 97201, or by contacting Don McIsaac at 503–326–6352, or may be obtained from William L. Robinson, Northwest Region, NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115–0070. Send comments regarding the reporting burden estimate or any other aspect of the collection-of-information requirements in this final rule, including suggestions for reducing the burden, to one of the NMFS addresses and to the Office of Management and Budget (OMB), Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Northwest Region, NMFS, 206–526–6140; fax: 206–526–6736 and e-mail: bill.robinson@noaa.gov or Svein Fougner, Southwest Region, NMFS, 562–980–4000; fax: 562–980–4047 and e-mail: svein.fougner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the Office of the Federal Register's website at *http://www.access.gpo.gov/su—docs/aces/aces140.html*.

Background

The U.S. groundfish fisheries off the Washington, Oregon, and California coasts are managed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801-1883) and the Pacific Coast Groundfish FMP. Regulations implementing the FMP appear at 50 CFR Part 660, Subpart G. The Magnuson-Stevens Act at 16 U.S.C. 1853(b)(8) provides that an FMP may require that one or more observers be carried on-board a vessel of the United States engaged in fishing for species that are subject to the FMP, for the purpose of collecting data necessary for the conservation and management of the fishery. The Pacific Coast Groundfish FMP provides that all fishing vessels operating in the groundfish fishery may be required to accommodate on-board observers for purposes of collecting scientific data. Under the Magnuson-Stevens Act at 16 U.S.C. 1855(d), the Secretary of Commerce, acting through NMFS, has general responsibility to carry out any fishery management plan, and may promulgate such regulations as may be necessary to carry out this responsibility.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels sort their catch at sea and discard species that are in excess of cumulative trip limits, unmarketable, in excess of annual allocations, or incidentally caught non-groundfish species. Landed or retained catch is monitored by individual state fish ticket programs in Washington, Oregon, and California. However, because a portion of the catch is discarded at sea, there is no opportunity for NMFS or the states to monitor total catch (retained plus discarded catch) at onshore processing facilities. This lack of information on at-sea discards has resulted in imprecise estimates of total catch and fishing mortality.

Discard information is needed to assess and account for total fishing mortality and to evaluate management measures, including rebuilding plans for overfished stocks. Discard estimates based on limited studies conducted in

the mid-1980's, and information on species compositions in landings, are available for some groundfish species. For other species, there is little or no discard information. During the past decade, there have been significant reductions in cumulative trip limits, and trip limits have been applied to increasing numbers of species. In light of these changes in the regulatory regime, doubt has been raised by the Council, NMFS, and the industry about the old discard estimates, which were based on data collected in the 1980's. Accurate estimates of discards are essential to computing total catch, and thus are an important component of any fishery conservation and management program. If the discard estimates are too high, harvest allocations may be set too low; if discard estimates are too low, then harvest allocations may be set too high, and the long-term health of the stock may be jeopardized.

Observers are a uniformly trained group of qualified technicians. They are stationed aboard vessels to gather conservation and management data that are too burdensome for vessel personnel to collect, and which would otherwise not be available for managing the fisheries or assessing interactions with non-groundfish species. The purposes of this final rulemaking are to establish the obligations of vessels that will be required to carry observers; to safeguard the observers' well-being; and to provide for sampling conditions necessary for an observer to follow scientific sampling protocols and thereby maintain the integrity of observer data collections. Nationwide regulations addressing vessels with conditions that are unsafe or inadequate for purposes of carrying an observer are found at 50 CFR 600.746. Nationwide regulations applicable to observers are also found under ''General Prohibitions'' at 50 CFR 600.725 (o),(r), (s), (t), and (u).

A proposed rule was published on September 14, 2000 (65 FR 55495). Further background information was presented in the preamble of the proposed rule. Public comment on the proposed rule was invited through October 16, 2000. NMFS received three letters containing comments. Two of the three letters, one from the United States Coast Guard and one from the United States Fish and Wildlife Service, expressed support for the proposed observer program. The third letter expressed support, but also expressed concern about funding mechanisms. At its June 2000 Council meeting, the Council reviewed the observer program and encouraged the public to comment on the proposed rulemaking. One individual provided comment during public hearing at the June Council meeting. The comments are summarized below followed by NMFS' responses to those comments.

Changes to the Final Rule From the Proposed Rule

The final rule includes the following changes from the proposed rule:

1. Section 660.360 (a) was revised for clarity.

2. In Section 660.360 (c)(2) language was added to clarify that vessels using exempted gear types could be required to carry an observer under this rulemaking.

3. Section 660.360 (c)(2)(i) was revised for clarity.

4. Section 660.360 (c)(2)(i)(A), addressing departure reports, is revised from the proposed rule to include language that is intended to provide greater flexibility to vessels that are in port less than 24 hours from the time offloading of catch from one fishing trip begins until the time the vessel departs on the following fishing trip. Because such vessels expect to be on the fishing grounds at the time that they are required to submit the next departure report, the owner, operator, or manager of a vessel is given the option of providing notification to NMFS or its designated agent before departing on the trip prior to that which the observer coverage may be needed and again at the time offloading of the catch from the previous fishing trip begins.

5. Section 660.360 (c)(2)(i)(B), addressing departure reports, is revised from the proposed rule to include language that is intended to provide greater flexibility to vessels that intend to depart on a fishing trip less than 24 hours after weather or sea conditions allow for departure. This change was made in response to comment 3 (below). The West Coast groundfish fleet is composed of many small vessels, whose fishing schedules are heavily influenced by weather and sea conditions. To avoid departure delays, the owner, operator, or manager of a vessel who intends to depart on a fishing trip less than 24 hours after weather or sea conditions become favorable, may choose to inform NMFS or its agent of his/her intentions at least 24 hours before the expected departure time. After the initial notification, only an update 4 hours before the expected departure time would be required.

Comments and Responses

Comment 1: The rulemaking is too narrow; it focuses only on observers as a means for collecting the necessary data at sea.

Response: Other approaches for obtaining total catch data include full retention and data sampling by vessel personnel. NMFS believes that data collected under these approaches would not meet the defined management need without adequate verification, such as video systems for monitoring full retention or observer data to compare to vessel-collected data. Video surveillance systems connected to global positioning systems are useful in tracking activity by area fished, but do not provide the necessary total catch data. New digital camera technology has improved the ability to provide species-specific catch information in particular situations (e.g., fixed gear fisheries with a small variety of species). The technology is still early in development and is generally considered to be supplemental to an observer program.

Comment 2: Some boats may not have the ability to carry an observer. Page 19 of the EA notes that if it is determined that a vessel is simply too small to accommodate an observer alternative methods of sampling may need to be considered. Under these rules, some sectors of the fishery are opted right out of any observer program or any meaningful observation without alternatives such as cameras, or somebody in a zodiac, or full retention, or something like that. Moving forward with an observer program does not preclude further development of other approaches for obtaining the necessary total catch data.

Response: Vessel safety and accommodations are individual vessel issues and are not ones that can be easily addressed. NMFS recognizes that it is likely that some, particularly the smallest groundfish vessels, may not be safe or adequate for carrying observers. Page 19 of the EA notes that if it is determined that a vessel cannot safely accommodate an observer, alternative methods of sampling may need to be considered. This final rulemaking does not preclude further development of alternative sampling methods for vessels that are determined to be unsuitable for observers.

Comment 3: If you are one of those that is required to have an observer and you do not know 24 hours in advance when you are going, because you are looking for the weather to break, that means a lot of times in the winter that you won't go fishing because you cannot get an observer.

Response: A departure report is necessary for NMFS or its designated agent to identify which vessels need to carry observers and to coordinate the placement of observers aboard vessels. It is necessary for vessel owners, operators

or representatives to submit these reports because only they can make statements about their future intent. NMFS recognizes that vessels need to wait for favorable weather and sea conditions before departing on fishing trips. Language has been added to the rule in section 660.360(c)(2)(i)(B) to obtain the necessary information to ensure that an observer is available while allowing for possible delays in vessel schedules as a result of poor weather or sea condition. The initial contact between NMFS and the individual representing the vessel is still necessary to identify that the vessel intends to depart for fishing, when the weather or sea conditions are favorable. As conditions improve, the individual representing the vessel need only provide 4 hours notice before the anticipated departure.

Comment 4: In various places in the EA, it suggests that the program is contingent on Federal funding. If a program is contingent on Federal funding, it would violate the Magnuson Stevens Fishery Conservation and Management Act.

Response: NMFS disagrees with this comment. Nowhere in the rulemaking documents or in the EA does it state that an observer program is contingent on Federal funding. This final rulemaking establishes the framework necessary to support an at-sea observer program. It includes regulations that require vessels to carry observers when notified, provide notification of fishing schedules, provide food and accommodations, and a suitable location for observers to safely collect sample data according to scientific sampling protocols. The analysis examined the impacts resulting from a federally funded program because no additional rulemaking would be required before a program could be implemented if it were federally funded. Therefore, Federal funding was analyzed to facilitate the implementation of an observer program should Federal funding become available. This final rulemaking does not preclude NMFS or the Council from exploring alternative funding options or from providing fishermen with greater compensation for all or a portion of the costs of carrying an observer. Such measures would build upon this final rulemaking and would require additional rulemaking and analysis before implementation.

Classification

NMFS prepared an EA for this final rule and concluded that there will be no significant impact on the human environment as a result of this final rule. This final rulemaking will have no direct biological or physical impacts on the environment. It is NMFS's intention, to provide for observer training and the direct costs of deploying observers including salaries, payroll taxes, employment insurance, medical insurance, pension, and travel costs. The observers' employer will provide protection and indemnity insurance to cover bodily injury or property damage claims that may result from actions of the observer. Vessels will be responsible for providing information regarding their fishing schedule, and food and accommodations, for the observers. Some of the smallest groundfish vessels may find that crew members are displaced because limited bunk space must be allocated to the observer. Vessels will also need to provide adequate sampling facilities and unobstructed access to catch. This may result in increased handling time if sorting of the catch needs to be slowed or centralized to allow an observer to collect samples. Space requirements for analyzing and storing samples may reduce the available work and storage space for vessel activities. It is likely that the smallest groundfish vessels would be most affected by space requirements for analyzing and storing samples. However, without minimal sample space, data quality cannot be assured. The safety, health, and well-being of observers while stationed aboard fishing vessels is of the utmost importance. When this final rule is implemented, observer health and safety provisions at 50 CFR 600.725 and 600.746 will apply. A copy of the EA is available from NMFS (see **ADDRESSES**).

NMFS prepared a FRFA describing the impact of the action on small entities. For the purposes of the analysis, all catcher vessels were considered small entities.

This final rulemaking creates the regulatory framework needed to support an on-board observer program and is not predicated on a particular funding mechanism. Federal funding is available for 2001 and NMFS intends to provide for observer training and the direct costs of deploying observers including: salaries, payroll taxes, employment insurance, medical insurance, and travel costs. Observers would be employed directly by NMFS or through a contractor approved by NMFS. The observer's employer will provide protection and indemnity insurance to cover property damage claims that may result from actions of the observer. The individual vessel will be responsible for observer subsistence costs. Costs to the vessel that are analyzed in conjunction with this final rule are costs other than those that would be paid by NMFS. If NMFS chooses to use other funding mechanisms in the future, including shifting costs to the vessels, additional rulemaking would be required.

The costs to industry to deploy observers will vary depending on the coverage strategy that is selected. Three approaches that could be taken in developing a coverage plan include: random selection of trips from a large pool of vessels; complete sampling of all trips taken by a small number of vessels over a specific period; or sampling a portion of trips by an intermediate number of vessels over a specific period. The FRFA states that the impacts of the rule on individual vessels would depend on the nature and size of the program and the coverage approach that is chosen - all vessels in the groundfish fleet or a small portion of the vessels.

Of the 2,116 vessels in the open access and limited entry (LE) fisheries, the number of vessels that could be required to carry an observer annually ranges from 60 (if each observer samples one LE vessel over an entire cumulative trip limit period) to 967 (if observers sample vessel trips at random, no vessel is sampled more than once, and each vessel requires two observers to have all days sampled), depending on the coverage strategy that is employed. The FRFA indicates that the costs to the individual vessel are expected to range between $157 and $3334, depending on the coverage strategy and the number of days fished per year. An upper value of $11,044 per vessel is an extreme that would only occur if a vessel fished every day of the year and carried an observer at all times.

It is most likely that the open access and limited entry groundfish fleets would be divided into sampling sectors based on criteria such as gear type, fishing period, geographical location, or fishing strategy. Each sector may be required to have a different level of observer coverage. Sectors with the greatest annual catch of groundfish or those that most frequently interact with priority species, for which there is a serious need for information, could be required to have a substantially higher proportion of observer coverage than the other sectors. The analysis assumes that only vessels that carry an observer would bear the burden. Among the 2,116 vessels in the open access and limited entry groundfish fisheries that could be selected to bear the cost to carry an observer, there are substantial differences in terms of the annual ex-vessel value of their catch, and therefore in the burden imposed.

There were two alternatives considered in this final rulemaking:

Status quo, and adoption of regulations to support an observer program. Under the status quo alternative, a program could be designed where vessels carry observers on a voluntary basis. However, this would be a voluntary program with no way to ensure that a specific coverage plan could be followed or the integrity of the data collections maintained. Discard information needed to assess and account for total fishing mortality and to evaluate management measures is considered by NMFS to be deficient under a status quo alternative. Adopting regulations for an at-sea observer program on all limited entry and open access catcher vessels establishes the framework for a mandatory observer program, i.e., obligations of vessels that will be required to carry observers; safeguarding the observers' well-being; and providing for sampling conditions necessary for an observer to follow scientific sampling protocols and thereby maintain the integrity of observer data collections.

The Magnuson-Stevens Act at 16 U.S.C. 1853(b)(8) provides that an FMP may require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery. On March 3, 1999, NMFS determined that the bycatch provisions in Amendment 11 failed to respond meaningfully to the bycatch requirements at Section 303 (a)(11) of the Magnuson-Stevens Act, which state that an FMP must ''establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—(A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided.'' Establishing an observer program to collect total catch data would bring the Pacific coast groundfish FMP closer to the Magnuson-Stevens Act bycatch requirements for a standardized reporting methodology on bycatch. A copy of this analysis is available from NMFS (see **ADDRESSES**).

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection of information requirement has been approved by OMB under control number 0648–0423. Public reporting burden for these collections of information is estimated to average 5 minutes for making a toll-free call to provide either notification of departure on a fishing trip or notification of intent to cease participating in the fishery. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and to OMB, Washington, DC 20503 (ATTN: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the groundfish fishery on chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal, Oregon coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south-central California, southern California), and cutthroat trout (Umpqua River, southwest Washington/Columbia River). NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or to result in the destruction or adverse modification of critical habitat.

NMFS has re-initiated consultation on the Pacific whiting fishery associated with the BO issued on December 15, 1999. During the 2000 whiting season, the whiting fisheries exceeded the chinook bycatch amount specified in the BO's incidental take statement's incidental take estimates (11,000 fish) by approximately 500 fish. The re-initiation will focus primarily on additional actions that the whiting fisheries would take to reduce chinook interception, such as time/area management. NMFS expects that the re-initiated BO will be completed by May 2001. During the reinitiation, fishing under the FMP is within the scope of the December 15, 1999, BO, so long as the annual incidental take of chinook stays under the 11,000 fish bycatch limit. NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This final rule implements a data collection program and is within the scope of these consultations. Because the impacts of this action fall within the scope of the impacts considered in these BOs, additional consultations on these species are not required for this action.

This action implements a data collection program and is not expected to result in any adverse effects on marine mammals.

This final rule has been determined to be significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: April 18, 2001.

John Oliver,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 to read as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.302, the definitions for ''Active sampling unit,'' and ''Vessel manager'' are added in alphabetical order to read as follows:

§ 660.302 Definitions.

Active sampling unit means a portion of the groundfish fleet in which an observer coverage plan is being applied.

* * * * *

Vessel manager means a person or group of persons whom the vessel owner has given authority to oversee all or a portion of groundfish fishing activities aboard the vessel.

3. In § 660.306, paragraph (y) is added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(y) *Groundfish observer program.* (1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer.

(2) Interfere with or bias the sampling procedure employed by an observer, including either mechanically or physically sorting or discarding catch before sampling.

(3) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(4) Harass an observer by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the observer's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under § 660.360(c).

(6) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(7) Fail to provide departure or cease fishing reports specified at § 660.360(c)(2).

(8) Fail to meet the vessel responsibilities specified at § 660.360(d).

4. Section 660.360 is added to subpart G to read as follows:

§ 660.360 Groundfish observer program.

(a) *General.* Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with this section.

(b) *Purpose.* The purpose of the Groundfish Observer Program is to allow observers to collect fisheries data deemed by the Northwest Regional Administrator, NMFS, to be necessary and appropriate for management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources and their habitat.

(c) *Observer coverage requirements*—(1) *At-sea processors.* [Reserved]

(2) *Catcher vessels.* For the purposes of this section, catcher vessels include all vessels, using open access or limited entry gear (including exempted gear types) that take and retain, possess or land groundfish at a processor(s) as defined at § 660.302. When NMFS notifies the vessel owner, operator, permit holder, or the vessel manager of any requirement to carry an observer, the vessel may not take and retain, possess, or land any groundfish without carrying an observer.

(i) *Notice of departure—Basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(A) *Optional notice—Weather delays.* A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(i) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(B) *Optional notice—Back-to-back fishing trips.* A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (c)(2)(i)) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(ii) *Cease fishing report.* Not more than 24 hours after ceasing the taking and retaining of groundfish with limited entry or open access gear in order to leave the fishery management area or to fish for species not managed under the Pacific Coast Groundfish Fishery Management Plan, the owner, operator, or vessel manager of each vessel that is required to carry an observer or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit must provide NMFS or its designated agent with notification as specified by NMFS.

(3) *Vessels engaged in recreational fishing.* [Reserved]

(4) *Waiver.* The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(d) *Vessel responsibilities.* An operator of a vessel required to carry one or more observer(s) must provide:

(1) *Accommodations and food.* Provide accommodations and food that are:

(i) *At-sea processors.* [Reserved]

(ii) *Catcher vessels.* Equivalent to those provided to the crew.

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(3) *Observer communications.* Facilitate observer communications by:

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the United States or designated agent.

(ii) *Communication equipment requirements for at-sea processing vessels.* [Reserved]

(4) *Vessel position.* Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access.* Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification.* Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) *Records.* Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance.* Provide all other reasonable assistance to enable

observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(9) *At-sea transfers to or from processing vessels.* [Reserved]

(e) *Procurement of observers services by at-sea processing vessels.* [Reserved]

(f) *Certification of observers in the at-sea processing vessels.* [Reserved]

(g) *Certification of observer contractors for at-sea processing vessels.* [Reserved]

(h) *Suspension and decertification process for observers and observer contractors in the at-sea processing vessels.* [Reserved]

(i) *Release of observer data in the at-sea processing vessels.* [Reserved]

(j) *Sample station and operational requirements*—(1) *Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) *Accessibility.* The observer sampling station must be available to the observer at all times.

(ii) *Location.* The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(iii) *Minimum work space aboard at-sea processing vessels.* [Reserved]

(iv) *Table aboard at-sea processing vessels.* [Reserved]

(v) *Scale hanger aboard at-sea processing vessels.* [Reserved]

(vi) *Diverter board aboard at-sea processing vessels.* [Reserved]

(vii) *Other requirements for at-sea processing vessels.* [Reserved]

(2) *Requirements for bins used to make volumetric estimates on at-sea processing vessels.* [Reserved]

(3) *Operational requirements for at-sea processing vessels.* [Reserved]

[FR Doc. 01–10150 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 79
Tuesday, April 24, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV–01–985–1 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2001–2002 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2001–2002 marketing year, which begins on June 1, 2001. This rule invites comments on the establishment of salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 900,208 pounds and 48 percent, respectively, and for Class 3 (Native) spearmint oil of 938,944 pounds and 45 percent, respectively. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices, and thus help to maintain stability in the spearmint oil market.

DATES: Comments must be received by May 9, 2001.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698; or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: http://www.ams.usda.gov/fv/moab.html.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204; telephone: (503) 326–2724; Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491; Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. Under the provisions of the order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 2001–2002 marketing year, which begins on June 1, 2001. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Pursuant to authority in sections 985.50, 985.51, and 985.52 of the order, the Committee recommended the salable quantities and allotment percentages for the 2001–2002 marketing year at its October 11, 2000, meeting. The Committee unanimously recommended the establishment of a salable quantity and allotment percentage for Class 1 (Scotch) spearmint oil of 900,208 pounds and 48 percent, respectively, and a salable quantity and allotment percentage for Class 3 (Native) spearmint oil of 938,944 pounds and 45 percent, respectively.

This proposed rule would limit the amount of spearmint oil that handlers may purchase from, or handle for, producers during the 2001–2002 marketing year, which begins on June 1, 2001. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order currently accounts for approximately 55 percent of the annual U.S. production of Scotch spearmint oil and over 90 percent of the annual U.S. production of Native spearmint oil.

When the order became effective in 1980, the U.S. produced nearly 100 percent of the world's supply of Scotch spearmint oil, of which approximately 72 percent was produced in the regulated production area in the Far West. The Far West continued to produce an average of about 69 percent of the world's Scotch spearmint oil supply during the period from 1980 to 1990. International production characteristics have changed since 1990, however, with foreign Scotch spearmint oil production contributing significantly to world production. The Far West's market share as a percent of total world sales has averaged about 44 percent since 1990.

Since the 1996–97 marketing year, the Committee has employed a marketing strategy for Scotch spearmint oil that was intended to foster market stability and expand market share. This marketing strategy was an attempt to remain competitive on an international level by regaining a substantial amount of the Far West's historical share of the global market for this class of oil. In implementing this strategy, the Committee has been recommending the establishment of a salable quantity and allotment percentage for Scotch spearmint oil in excess of the estimated trade demand for each marketing year. In the development of its annual marketing policy statements during this period, the Committee's strategy considered general market conditions for each class of spearmint oil, including the Far West's world market share as it relates to the overall market stability of spearmint oil.

During its deliberations at the October 11, 2000, meeting, however, the Committee concluded that its marketing strategy for Scotch spearmint oil of the past few seasons has not been entirely effective. Although sales have increased, the Far West's market share as a percentage of total world sales has not increased on average, and the market price for Scotch spearmint oil has continued to decline throughout this period. During the last two marketing years, the price paid to producers for Scotch spearmint oil has dropped to a low of $7.00 per pound. The Committee believes that such a price is generally below the cost of production for most producers.

Furthermore, due to the depressed market, many producers with allotment base have not planted Scotch spearmint in recent years. The order (7 CFR 985.53(e)) requires that producers must make a bona fide effort to produce their annual allotment, or failing to do so, have their allotment base reduced by an amount equivalent to the unproduced portions. Currently, several producers are in danger of losing their allotment base if they do not have spearmint planted by the Spring of 2001. With prices near or below the cost of production, many producers also face the potential of going out of business. The Committee determined that its only responsible course of action was to adjust its marketing strategy in an attempt to stabilize prices at a reasonable level while still considering market share. Therefore, the Committee's recommendation for Scotch spearmint oil for the 2001–2002 marketing year is based on a desire to remain competitive on an international level while maintaining the supply of oil at a level that could enhance prices and thus help producers to remain solvent. The Committee believes that this recommendation would stabilize the market at a level that is sustainable for the majority of Scotch spearmint oil producers.

Despite the recent downward trend in the price of both classes of spearmint oil, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. According to the National Agricultural Statistics Service, for example, the average price paid for both classes of spearmint oil ranged from about $4.00 per pound to about $12.50 per pound during the period between 1968 and 1980. Excluding the most recent two marketing years, prices since the order's inception have generally stabilized at about $11.00 per pound for Native spearmint oil and at about $13.00 per pound for Scotch spearmint oil. Over the last couple of years, the price has dropped to about $9.00 per pound and $7.00 per pound, respectively, for Native and Scotch spearmint oils despite the Committee's efforts to balance available supplies with demand. Based on comments made at the Committee's meeting, factors that could have contributed to the low prices include the relatively poor returns being realized from other essential oils, an abundant supply of spearmint oil, and the continuing overall weak farm situation.

The major conditions contributing to the Committee's current recommendation of 45 percent for the Native spearmint oil allotment percentage for the 2001–2002 marketing year include a surplus of oil and the resultant softening price being offered to growers. The surplus has a basis in a higher than anticipated carry-in on June 1, 2000, caused in part by a late-season increase in last year's salable quantity. The Committee recommended that increase due to signals from the industry that there was demand for more oil—a demand that did not materialize as expected. Thus, with over 90 percent of the world production currently located in the Far West, the Committee's method of calculating the Native spearmint oil salable quantity and allotment percentage continues to primarily utilize information on price and available supply as they are affected by the estimated trade demand.

The Committee based its recommendation for the proposed salable quantity and allotment percentage for each class of spearmint oil for the 2001–2002 marketing year on the summary presented above, as well as the data outlined below.

(1) Class 1 (Scotch) Spearmint Oil

(A) Estimated carry-in on June 1, 2001—735,517 pounds. This figure is derived by subtracting the estimated 2000–2001 marketing year trade demand of 900,000 pounds from the revised 2000–2001 marketing year total available supply of 1,635,517 pounds. The 2000–2001 marketing year trade demand is an updated figure based on sales to date, historical data, and input from spearmint oil producers and handlers. The 2000–2001 marketing year total available supply has been revised from the figure originally estimated by the Committee during its deliberations for the 2000–2001 marketing year salable quantities and allotment percentages due to updated production estimates and the available reserve pool oil on June 1, 2000.

(B) Total estimated allotment base for the 2001–2002 marketing year—1,875,433 pounds. This figure represents a one-percent increase over the revised 2000–2001 total allotment base. Section 985.53(d)(1) requires that the Committee make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. The total allotment base for each marketing year is generally revised during each such marketing year since it is estimated several months earlier during the respective annual marketing policy meetings.

(C) Average salable quantity as recommended at the five production area meetings—888,955 pounds.

(D) Recommended allotment percentage—48 percent. This figure is based on the average of the salable quantity recommended at the five production area meetings divided by the total estimated allotment base. Committee records show that this is slightly above the average of the past

seven years' sales (891,815 pounds or 47.6 percent).

(E) The Committee's recommended salable quantity—900,208 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(F) Estimated available supply for the 2001–2002 marketing year—1,635,725 pounds. This figure is the sum of the recommended salable quantity and the estimated carry-in on June 1, 2001.

(G) Estimated trade demand for the 2001–2002 marketing year—875,000 pounds. This figure is based on estimates provided by producers and handlers at the five Scotch spearmint oil production area meetings held in September 2000. These estimates were derived using average sales figures for the past 20 years as well as input from handlers regarding current and projected demand for Far West spearmint oil.

(H) Estimated carry-out on May 31, 2002—760,725 pounds. This figure is the difference between the estimated available supply and the estimated trade demand for the 2001–2002 marketing year.

(2) Class 3 (Native) Spearmint Oil

(A) Estimated carry-in on June 1, 2001—130,929 pounds. This figure is the difference between the estimated 2000–2001 marketing year trade demand of 990,000 pounds and the revised 2000–2001 marketing year total available supply of 1,120,929 pounds.

(B) Estimated trade demand for the 2001–2002 marketing year—1,000,000 pounds. This figure is based on the average of the estimates provided at the four Native spearmint oil production area meetings held in September 2000.

(C) Salable quantity required from the 2001–2002 marketing year production—864,071 pounds. This figure is the calculated difference between the estimated 2001–2002 marketing year trade demand and the estimated carry-in on June 1, 2001.

(D) Total estimated allotment base for the 2001–2002 marketing year—2,086,542 pounds. This figure represents a one percent increase over the revised 2000–2001 total allotment base.

(E) Computed allotment percentage—41.7 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—45 percent. This is the Committee's recommendation based on the computed allotment percentage, the average of the computed allotment percentage figures from the four production area meetings (46.4 percent), and input from producers and handlers.

(G) The Committee's recommended salable quantity—938,944 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 2001–2002 marketing year—1,069,873 pounds.

The salable quantity is the total quantity of each class of spearmint oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch spearmint oil salable quantity of 900,208 pounds and allotment percentage of 48 percent are based on the Committee's goal of maintaining market stability by avoiding extreme fluctuations in supplies and prices, and thereby helping the industry remain competitive on the international level. The Committee's recommended Native spearmint oil salable quantity of 938,944 pounds and allotment percentage of 45 percent are based on the anticipated supply and trade demand during the 2001–2002 marketing year. The proposed salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year can be satisfied by an increase in the salable quantities. Both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 2001–2002 season may transfer such excess spearmint oil to a producer with spearmint oil production less than his or her annual allotment or put it into the reserve pool.

This proposed regulation, if adopted, would be similar to those which have been issued in prior seasons. Costs to producers and handlers resulting from this proposed action are expected to be offset by the benefits derived from a stable market and improved returns. In conjunction with the issuance of this proposed rule, the Committee's marketing policy statement for the 2001–2002 marketing year has been reviewed by the Department. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulations, fully meets the intent of section 985.50 of the order. During its discussion of potential 2001–2002 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with the Department's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, consideration by the Committee was given to historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil which should be produced for next season in order to meet anticipated market demand.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 7 spearmint oil handlers subject to regulation under the order, and approximately 116 producers of Class 1 (Scotch) spearmint oil and approximately 102 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts of less than $500,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 7 handlers regulated by the

order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 25 of the 116 Scotch spearmint oil producers and 7 of the 102 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. A normal spearmint oil producing operation would have enough acreage for rotation such that the total acreage required to produce the crop would be about one-third spearmint and two-thirds rotational crops. An average spearmint oil producing farm would thus have to have considerably more acreage than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil producing farms would fall into the SBA category of large businesses.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 2001–2002 marketing year. The Committee recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices, and thus help to maintain stability in the spearmint oil market. This action is authorized by the provisions of sections 985.50, 985.51 and 985.52 of the order.

Small spearmint oil producers generally are not extensively diversified and as such are more at risk to market fluctuations. Such small farmers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation.

The Committee discussed alternatives to the proposal including higher and lower levels for the salable quantities and allotment percentages for both classes of oil, as well as not regulating the handling of spearmint oil during the 2001–2002 marketing year.

During the discussion on the 2001–2002 Scotch spearmint oil salable quantity and allotment percentage, one producer recommended that the Committee continue with the Scotch spearmint oil marketing strategy that it has used in the recent past. He recommended the establishment of an allotment percentage of 65 percent or higher, or alternatively, that there be no regulation established for Scotch spearmint oil during the 2001–2002 marketing year. The producer was of the opinion that the global nature of Scotch spearmint oil production negates the stabilizing benefits of the order, and therefore the order, in regards to Scotch spearmint oil, no longer effectuates the declared policy of the Act. He feels that a swing in policy from 65 percent to a 48 percent allotment percentage is radical and will not stabilize the market nor improve prices to producers.

With several individuals commenting during the meeting, however, most indicated support for a change in the marketing strategy for Scotch spearmint oil to an approach that takes into consideration current price, supply, and demand along with the Far West's share of the world market. It was noted that, although world production of Scotch spearmint oil has increased significantly, the provisions of the order in regards to this class of oil are still relevant since demand for high quality Far West oil remains relatively good. Blending of essential oils is more prevalent today then in the past. Consequently, the Committee believes that buyers will continue to seek out the quality Far West oil for the purpose of blending with the readily available lower quality oils. The Committee's belief that the Scotch spearmint oil market can be improved and stabilized is reflected in its recommendation to establish the salable quantity and allotment percentage at 900,208 pounds and 48 percent, respectively. The Committee is of the view that levels higher than 48 percent could cause further depression in prices, thus potentially forcing some growers out of business.

The Committee discussed allotment percentage levels for Native spearmint oil from a low of 43 percent to a high of 46 percent. With the current price for Native spearmint oil lower than the 20 year average, and demand fairly flat, the Committee, after considerable discussion, decided on 938,944 pounds and 45 percent as the most effective salable quantity and allotment percentage, respectively, for the 2001–2002 marketing year.

Further, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended would achieve the objectives sought.

The U.S. spearmint oil market is considered a mature agricultural operation. Aggregate demand for spearmint tends to be relatively stable from year-to-year. The demand for spearmint oil is expected to grow slowly for the foreseeable future because the demand for consumer products that use spearmint oil is expected to expand slowly in line with population growth. Demand for spearmint oil at the farm level is derived from the demand for spearmint-flavored products at retail and the manufacturers of chewing gum, toothpaste, and mouthwash are by far the largest users of mint oil. In general, the farm-level demand for a commodity consists of the demand at retail or food service outlets minus per-unit processing and distribution costs incurred in transforming the raw farm commodity into a product available to consumers. These costs comprise what is known as the ''marketing margin.'' However, spearmint flavoring tends to be a very small component of the retail price for the products in which it is used.

Mint growers tend to respond to price signals. Consequently, there has been a cycle where larger grower stocks of unsold spearmint oil have depressed grower prices for a number of years, and then shortages and high prices occur in subsequent years.

The wide fluctuations in supply and prices that result from this cycle create liquidity problems for some growers, particularly those with a heavy debt load. Moreover, growers have been less able to weather these cycles in recent years because of the decline in prices of many alternative crops. Almost all spearmint growers diversify by growing other commodities. It is important that spearmint be rotated with other crops to avoid the development of disease problems.

Instability in the spearmint oil subsector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season-to-season tend to be larger than fluctuations in the amount purchased by buyers. From 1980 through 2000, production averaged 1,888,810 pounds. The standard deviation over this period was 480,911 pounds. This indicates that production can vary by over 480,000 pounds from year-to-year.

This variation in production has necessitated the use of a reserve pool to store product in large production years; these stocks are drawn down in short production years. In any given year, the total available supply of spearmint oil is composed of current production plus carryover stocks from the previous crop.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the Federal marketing order. This authority allows the industry to set a salable quantity and allotment percentage for each class of oil for the upcoming marketing year (June 1—May 31). The salable quantity for each class of oil is the total volume of that oil which growers may sell during the marketing year.

The allotment percentage for each class of oil is derived by dividing the salable quantity by the total allotment base. Each grower is then issued an annual allotment certificate, in pounds, for the applicable class of oil, which is calculated by multiplying the grower's allotment base by the applicable allotment percentage.

By November 1 of each year, the Far West Spearmint Oil Administrative Committee (Committee) identifies any oil that individual growers have produced above the volume specified on their annual allotment certificates. This excess oil is placed into a reserve pool administered by the Committee.

The reserve pool oil may not be sold during the current marketing year unless the Committee decides and the Department approves, that it is appropriate to open up the pool. There is a reserve pool for each class of oil. However, a grower's reserve oil can be used to fill deficiencies in production (which is less than the salable quantity) and excess production can be sold to fill other growers' deficiencies.

The marketing order attempts to minimize the price depressing effect that excess grower stocks have on unsold spearmint oil. The marketing order attempts to stabilize prices by having stocks available in short supply years when prices would increase dramatically, and limiting supply and establishing reserves in high production years when prices would fall dramatically.

It is the goal of the Committee to balance supply and demand with an appropriate carryout in order to maintain market stability. If the industry has production in excess of the salable quantity, then the reserve pool absorbs the surplus, and spearmint oil goes unsold.

To assess the impact that volume control has on the prices growers receive for their commodity, an econometric model has been developed projecting that the volume control mechanism used by the spearmint oil industry will result in decreased production. Without volume control, spearmint oil markets would likely be over-supplied, resulting in low grower prices and a large volume of oil stored and carried over to the next crop year.

The price growers receive for harvesting their crops is largely determined by the level of production and carryin inventories. In years of oversupply and low prices, the season average grower price of spearmint oil has failed to cover the average variable cost of production. The estimated model provides a way to see what impacts volume control may have on grower prices. The econometric model is used to estimate grower prices with and without regulation. Without volume controls, the estimated season-average grower price would be approximately $8.97 per pound and production is assumed to increase to 3,961,975 pounds. With volume controls, production would be limited to the salable quantity of 2,086,542 pounds and the grower price would be estimated at approximately $10.43 per pound.

The Committee has estimated the total trade demand for spearmint oil to be 1,929,623 pounds for the 2002 crop year. Without volume controls, the volume supplied to the market would be approximately 3,961,975 pounds. This would result in a severe surplus situation for the spearmint oil market. This situation would not only negatively impact grower prices this year, but would dampen prospects for prices in future years because of the buildup in stocks. The econometric model shows that for every one-percent increase in carryin inventories, a decrease of 0.07 percent in grower prices occurs. The use of volume controls allows the industry to fully supply spearmint oil markets while avoiding the disastrous results of over-supplying these markets. The use of volume controls is believed to have little to no effect on consumer prices and will not result in fewer retail sales.

The use of volume controls is believed to have a positive impact on growers' revenues. With regulation, growers' revenues are estimated to be $20,125,968. In this scenario, demand is estimated at 1,929,623 pounds and price at $10.43 per pound. Without regulation, grower prices are estimated to be $8.97 per pound and the total demand for spearmint oil would have to increase to 2,243,698 pounds for growers to be as well off as in the regulated scenario. However, even if demand were to increase to 2,243,698 pounds in response to the lower $8.97 per pound price, over 1,700,000 pounds of spearmint oil would likely be placed in storage, putting tremendous downward pressure on price the next crop year.

The Committee further believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. For example, National Agricultural Statistics Service records indicate that the average price paid for both classes of spearmint oil ranged from about $4.00 per pound to about $12.50 per pound during the period between 1968 and 1980. Excluding the most recent two marketing years, prices since the order's inception have generally stabilized at about $11.00 per pound for Native spearmint oil and at about $13.00 per pound for Scotch spearmint oil. Over the last couple of years, the price has dropped to about $9.00 per pound and $7.00 per pound, respectively, for Native and Scotch spearmint oils despite the Committee's efforts to balance available supplies with demand.

Without any regulations in effect, the Committee believes the industry would return to the pattern of cyclical prices of

prior years, as well as suffer the potentially price depressing consequence that a release of over a million pounds of spearmint oil reserves would have on the market. According to the Committee, levels for the salable quantities and allotment percentages either higher or lower than those recommended would not achieve the intended goals of market and price stability.

As stated earlier, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. These requirements have been approved by the Office of Management and Budget under OMB Control No. 0581–0065. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. In addition, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. Fifteen days is deemed appropriate because this rule would need to be effective as soon as possible to provide producers sufficient time prior to the beginning of the 2001–2002 marketing year to adjust their cultural and marketing plans accordingly. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 985.220 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 985.220 Salable quantities and allotment percentages—2001–2002 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2001, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 900,208 pounds and an allotment percentage of 48 percent.

(b) Class 3 (Native) oil—a salable quantity of 938,944 pounds and an allotment percentage of 45 percent.

Dated: April 18, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–10115 Filed 4–23–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13–00–029]

RIN 2115–AE87

Drawbridge Operations Regulations; Duwamish River, WA

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Coast Guard is withdrawing the proposed rulemaking to amend the operating regulations of the dual bascule drawbridges on First Avenue South across the Duwamish River, mile 2.5, at Seattle, Washington. This rulemaking is being withdrawn because of the insufficient road traffic volume and congestion data provided by the bridge owner to justify the proposed change and because of objections made by navigational interests. Three marine transport companies objected to the proposed addition of one hour to the existing afternoon closed period. The bridge currently is closed to vessels of less than 5000 gross tons for six hours each day Monday through Friday. These objectors are major commercial users of the Duwamish Waterway and all are engaged in various degrees with major shipping to Alaska from Seattle. One of these also observed that the dual drawspans are not operated simultaneously. Simultaneous operation could reduce the length of the operating cycle and therefore reduce the time that roadway traffic is obstructed by draw span operations.

DATES: The proposed rulemaking is withdrawn effective April 24, 2001.

FOR FURTHER INFORMATION CONTACT: Austin Pratt, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, Thirteenth Coast Guard District, (206) 220–7282.

SUPPLEMENTARY INFORMATION: This notice withdraws the notice of proposed rulemaking for the amendment of drawbridge operations regulations, published in the **Federal Register**, August 18, 2000 (65 FR 50480, CGD13–00–029).

Dated: 10 April 2001.

Erroll Brown,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District

[FR Doc. 01–10138 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–860, MM Docket No. 01–83, RM–10085]

Digital Television Broadcast Service; Lexington, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WLEX Communications, LLC, licensee of station WLEX–TV, NTSC channel 18, Lexington, Kentucky, requesting the substitution of DTV channel 39 for DTV channel 22. DTV Channel 39 can be allotted to Lexington, Kentucky, in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (38–02–03 N. and 84–23–39 W.). As requested, we propose to allot DTV Channel 39 to Lexington with a

power of 1000 and a height above average terrain (HAAT) of 288 meters.

DATES: Comments must be filed on or before May 31, 2001, and reply comments on or before June 15, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW, Suite 800, Washington, DC 20036–6802 (Counsel for WLEX Communications, L.L.C.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–83, adopted April 6, 2001, and released April 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Kentucky is amended by removing DTV Channel 22 and adding DTV Channel 39 at Lexington.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–10107 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 66, No. 79
Tuesday, April 24, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Hoffman-Sailor West Project

AGENCY: Forest Service, USDA, Chequamegon-Nicolet National Forest, Medford/Park Falls Ranger District.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental effects of proposed land management activities, and corresponding alternatives within the Hoffman-Sailor West project area. The primary purpose of this proposal is to implement these activities consistent with direction in the Chequamegon National Forest Land and Resource Management Plan (Forest Plan) and respond to specific needs identified in the project area.

The project area is located on National Forest System land in the western portion of the Hoffman Creek and Sailor Lake Opportunity Areas, beginning about 4 miles east of Fifield, Wisconsin. The legal description for the area is: Township 39 North, Range 1 East, sections 10–15, 22–27, and 34–36; Township 39 North, Range 2 East, sections 7, 18–19, 29–32; Township 38 North, Range 1 East, sections 1–3, 10–15, 22–24; and Township 38 North, Range 2 East, sections 6–8 and 17–19; Fourth Principal Meridian.

DATES: Initial comments concerning the proposed action and scope of the analysis should be received within 30 days following publication of this notice to receive timely consideration in the preparation of the draft EIS.

ADDRESSES: Send written comments to: Bob Hennes, District Ranger, Medford/Park Falls Ranger District, 850 N. 8th St., Highway 13, Medford, Wisconsin 54451.

Send e-mail comments to: *jdarnell01@fs.fed.us* with a subject line that reads ''NEPA Medford/Park Falls RD''.

FOR FURTHER INFORMATION CONTACT: Jane Darnell, Project Leader/NEPA Coordinator, Medford/Park Falls Ranger District, 850 N. 8th St., Highway 13, Medford, Wisconsin 54451; phone (715) 748–4875, voice and TDD; email: jdarnell01@fs.fed.us.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by this proposed project. The information presented in this notice is summarized. Those who wish to comment on this proposal or are otherwise interested in or potentially affected by it are encouraged to review more detailed documents such as the Proposed Action for the Hoffman-Sailor West Project (currently available for review) and the draft EIS. See the preceding section of this notice for the person to contact for more detailed information about this project.

Purpose and Need for the Project: The primary purpose of the proposed land management activities is to implement these activities consistent with direction in the Chequamegon National Forest Land and Resource Management Plan (Forest Plan) and respond to specific needs identified in the project area. The primary project-specific needs include addressing: decline of wildlife habitat (young forest needed to sustain associated wildlife populations); reduction of wood economic value and forest reproductive potential resulting from an abundance of mature forest vegetation types; potential for insect and disease infestations resulting from an abundance of mature forest vegetation types; sustained yield of forest products such as aspen pulpwood; reduced growth of trees resulting from crowding, suppression, and competition; limited vertical vegetation structure and within-stand age structure resulting from past even-aged management in hardwood forests; limited amount of suitable perch trees for bald eagles and osprey; limited amount of quality, cold water, aquatic habitat; limited waterfowl nesting and foraging habitat; quality of forage for wildlife species associated with upland openings; and an excess of existing roads that are not needed for access or management of the area.

Proposed Action: The proposed land management activities (proposed actions), include the following, with approximate acreage and mileage values:

(1) The following projects address needs arising from an abundance of mature pioneer forest vegetation in the project area and the need for maintaining a sustained yield of pulpwood products.

Clearcut regeneration harvest of about 1,770 acres of aspen and some paper birch, balsam fir, and hardwoods: This even-aged method of harvest removes most trees in the area, which encourages regeneration of primarily pioneer vegetation.

Two stage shelterwood regeneration harvest of about 280 acres of paper birch and other mixed stands: This even-aged method of harvest removes a portion of the canopy and leaves a partial overstory as a seed source and a source of high shade. Once tree regeneration is established and has advanced, the overstory would be removed in a second cut. Areas failing to regenerate naturally would be planted.

(2) The following projects address needs resulting from tree crowding, suppression, and competition. The selection harvest additionally addresses the limited vertical vegetation structure and within-stand age structure of hardwood forests.

Thinning harvest of about 740 acres of mixed hardwood stands and conifer plantations: This even-aged method of harvest removes selected trees to maintain health and increase growth on the residual trees.

Overstory removal harvest of about 150 acres of aspen and paper birch stands: This even-aged method of harvest removes the overstory to allow the suppressed, understory trees (planted 5–20 years ago) to become the new stand.

Individual tree selection harvest of about 350 acres of mixed hardwood: This method of harvest removes individual trees and/or small groups of trees in order to move an even-aged stand of trees to an un-even aged condition.

(3) The following projects address the need for bald eagle and osprey perch trees and the need for quality, coldwater communities.

Tree planting: Several of the selection harvest areas will be underplanted with

long-lived conifer species. Several of the clearcut harvest areas will be planted to long lived tree species.

(4) The following projects address maintenance and improvement needs for waterfowl foraging and nesting habitat.

Upper Squaw Creek Impoundment drawdowns: In most years, water levels in this constructed water impoundment would be lowered partially during the summer to mimic natural water fluctuations, and stimulate vegetation growth. An overwinter drawdown and a year long drawdown are also being proposed to control open water to vegetation ratios in the impoundment.

Placement of about 20 wood duck nesting boxes around the Upper Squaw Creek Impoundment.

Wild rice planting of about 5 acres of wild rice in Sailor Lake.

(5) The following project addresses the quality of forage for wildlife species associated with upland openings. Prescribed burning of about 16 acres of permanent wildlife openings: This proposal includes using prescribed burning and mechanical methods (mowing or use of hand held brush saws), in combination, to reduce the amount of woody vegetation regenerating in open grass or brush areas in one wildlife opening location.

(6) The following projects address transportation system needs.

Temporary road construction of about 2.8 miles: The proposed harvests would require construction of about 2.8 miles of temporary logging roads which would be decommissioned and revegetated following project completion.

Road relocation: One small segment of existing road (about 0.1 miles) would be relocated to an upland location to avoid wetland crossings.

Road decommissioning: An additional 1.7 miles of existing roads would be decommissioned. These roads are not needed for access or long term management of forest resources.

Project History: A project in the same vicinity was presented to the public for review and comment (scoping) in September of 1998 (Project Name: Hoffman Creek and Sailor Lake Opportunity Areas) prior to undertaking preparation of an Environmental Assessment (EA). In July of 1999 an EA was written for the Hoffman Creek and Sailor Lake Opportunity Areas and sent to the public for a 30 day review and comment period. Since then, part of the project area was identified as having potential to be included in a Forest inventory of roadless areas. At that time, a decision was made to modify the project area boundary to exclude the potential roadless inventory areas. When the Forest roadless area inventory is complete, the Forest will be in a better position to consider projects within these areas and disclose the potential effects (if any) on roadless characteristics and potential Wilderness values. Following publication of the EA, a choice was made to develop additional alternatives to address issues related to forest fragmentation.

This Notice of Intent serves as notice of the intent to prepare an EIS for the Hoffman-Sailor West Project. The comments received as a result of the public participation for the previous proposed action and EA for the Hoffman Creek and Sailor Lake Opportunity Areas will be brought forward for the Hoffman-Sailor West analysis (as they apply to the new project area).

Preliminary Issues and Alternatives: Comments from Forest Service specialists, American Indian tribes, the public, and other agencies were considered in the development of preliminary issues related to the proposed action.

Preliminary issues are as follows: potential effects on some threatened, endangered, and sensitive (TES) species and management indicator species (MIS); potential effects on heritage resources; potential effects on forest vegetation and landscape patterns (particularly related to fragmentation effects such as the potential for increased edge habitat); potential effects on forest age and structure as it relates to forest health and wildlife species dependent on pioneer vegetation; potential effects on water, wetlands, and soils; and some potential economic and social impacts (such as visual quality).

Alternatives to the proposed action that are currently being considered for display in the draft EIS are as follows: The required No Action alternative; an alternative that harvests more of the mature aspen and paper birch than the proposal (to address forest health and age distribution issues); and an alternative that groups even-aged harvests to reduce the amount of edge habitat.

Estimated Dates for Filing: The draft EIS is expected to be filed with the Environmental Protection Agency and be available for public review in August 2001. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register**. Comments received on the draft EIS will be used in preparation of a final EIS. We expect to file the notice of the availability of the final EIS and Record of Decision (ROD) in the **Federal Register** in October 2001.

Relation to Forest Plan Revision: The Chequamegon-Nicolet National Forest is in the process of revising and combining the existing Land and Resource Management Plans (Forest Plans) for the Chequamegon National Forest and the Nicolet National Forest, which were administratively separate at the time the Forest Plans were developed. A Notice of Intent to revise and combine the Forest Plans was issued in 1996. As part of this process, various inventories and evaluations are occurring. Additionally, the Forest is in the process of developing alternative land management scenarios that could change the desired future conditions and management direction for the Forest. A Draft Environmental Impact Statement (DEIS) will be published in the near future that will disclose the consequences of the different land management direction scenarios considered in detail. As a result of the Forest Plan revision effort, the Forest has new and additional information beyond that used to develop the existing Forest Plans. This information will be used where appropriate in the analysis of this project to disclose the effects of the proposed activities and any alternatives developed in detail.

The decisions associated with the analysis of this project will be consistent with the existing Forest Plan, unless amended, for the Chequamegon. Under regulations of the National Environmental Policy Act (40 CFR 1506.1), the Forest Service can take actions while work on a Forest Plan revision is in progress because a programmatic Environmental Impact Statement—the existing Forest Plan Final EIS, already covers the actions. The relationship of this project to the proposed Forest Plan revision will be considered as appropriate as part of this planning effort.

The Reviewer's Obligation to Comment: The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir, 1986), and *Wisconsin Heritages Inc.* v. *Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important

that those interested in this proposed action participate by the close of the 45-day comment period of the draft EIS in order that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including names and addresses of those who comment, are part of the public record for this project and are available for public inspection.

Decision Space: The primary decision will be whether or not to implement the proposed projects or alternatives of the projects within the project area that respond to the purpose and need. The decision may also include additional resource protection measures, monitoring, and whether Forest Plan amendments are needed to implement the decision.

Responsible Official: The responsible official for this decision is Bob Hennes, District Ranger, Medford/Park Falls Ranger District, Chequamegon-Nicolet National Forest.

(Authority: Forest Service Handbook 1909.15, 21.1; Forest Service Manual 1013.04e)

Dated: April 17, 2001.

Lynn Roberts,

Forest Supervisor, Chequamegon-Nicolet National Forest.

[FR Doc. 01–10054 Filed 4–23–01; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Howell Project; Chequamegon-Nicolet National Forest, Forest and Florence Counties, Wisconsin

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental impacts of proposed land management activities, and corresponding alternatives, within the Northwest Howell project area.

The purpose of the Northwest Howell project is to implement land management activities that are consistent with direction in the Nicolet National Forest Land and Resource Management Plan (Forest Plan) and respond to specific needs identified in the project area. The project-specific needs include addressing: forest age, structure and composition, reforestation, providing wood fiber and forest products, road closures, Pine River Wild River Corridor enhancements, and fish and wildlife habitat maintenance and improvement.

The Northwest Howell project area is located primarily on National Forest System lands, administered by the Eagle River-Florence Ranger District, surrounding Alvin, Wisconsin. The majority of the project area encompasses several management areas that emphasize maintaining a mix of forest types including early successional species, uneven-aged hardwoods and upland pines. Additionally, the project includes a management area that emphasizes protecting and enhancing the qualities of certain rivers that could be eligible for consideration as Federally designated Wild and Scenic Rivers. The Northwest Howell project contains a portion of the Pine River, which is designated by the State of Wisconsin as a State Wild River. The legal description for the project area is: Township 39 North, Range 14 East, Sections 2–4; Township 40 North, Range 12 East, Sections 11–14, 23–24; Township 40 North, Range 13E Sections 1–26; Township 40 North, Range 14 East, Sections 1–35; Township 41 North, Range 13 East, Sections 14, 15, 21–29, 32–36; and Township 41 North, Range 14 East, Sections 17–36, Township 40 North, Range 15 East, Section 6; and Township 41 North, Range 15 East, Sections 30–32 Fourth Principal Meridian.

DATES: Comments concerning the proposed land management activities should be received by June 15, 2001, to receive timely consideration in the preparation of the draft EIS.

ADDRESSES: Send written comments concerning the proposed land management activities or requests to be placed on the project mailing list to: E.B. Fitzpatrick III, District Ranger, Eagle River-Florence Ranger District, HC 1 Box 83, Florence, Wisconsin 54121.

FOR FURTHER INFORMATION CONTACT: Shirley Frank, Northwest Howell Project Leader, Eagle River-Florence Ranger District, HC 1 Box 83, Florence, Wisconsin 54121, phone (715) 528–4464 ext. 27.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by the proposed land management activities. The information presented in this notice is summarized. Those who wish to provide comments, or are otherwise interested in or affected by the project, are encouraged to obtain additional information from the contact identified in the **FOR FURTHER INFORMATION CONTACT** section.

Proposed Actions—The proposed land management activities (proposed actions) include the following, with approximate acreage and mileage values: *Forest age, structure, and composition*—selection harvest 6,108 acres, thin 800 acres, clearcut harvest 513 acres, overstory removal harvest 367 acres, and shelterwood harvest 127 acres (other actions needed include 1.9 miles of road construction and 23.6 miles of road reconstruction; *Reforestation*—prescribe burn 47 acres for natural regeneration of jack pine, hand-scalp and under-plant 200 acres of white pine, eastern hemlock, cedar and other species in the understories of existing stands, mechanical site preparation and planting of 68 acres of jack pine, temporarily fence 20 acres of under-planted areas, manual site preparation of 416 acres within aspen clearcuts and 147 acres of canopy gaps within selection harvests; *Road Closures*—close, allow to re-vegetate and remove from the Forest's inventoried road system 19.3 miles of roads; *Fish and Wildlife Habitat Maintenance and Improvement*—place approximately 75 whole tree structures along the shoreline and place about 40 crib structures near the shoreline of Steven's Lake, place approximately 50 whole tree structures along the shore line of Quartz Lake, place about 20 crib structures and 30 half-log structures within Quartz Lake, maintain 375 acres in existing permanent upland openings using by hand-cutting, mowing or burning, and plant fruit-bearing shrubs on approximately fifty percent of these sites.

Responsible Official—The District Ranger of the Eagle River-Florence Ranger District, E.B. Fitzpatrick III, is the Responsible Official for making project-level decisions from the project.

Decision Space—Decision-making will be limited to specific activities relating to the proposed actions. The primary decision to be made will be whether or not to implement the proposed actions or another action alternative that responds to the project's purpose and needs.

Preliminary Issues—Comments from Native American Indian tribes, the public, and other agencies were considered in identifying the following preliminary issues: effects to threatened, endangered, and sensitive species; effects to management indicator species, effects to wild and scenic river corridor characteristics; effects from road construction and road closures; effects to motorized recreational access.

Public Participation—The Forest Service is seeking comments from Federal, State, and local agencies, as well as local Native American tribes and other individuals or organizations that may be interested in or affected by the proposed actions. Comments received in response to this notice will become a matter of public record. While public participation is welcome at any time, comments on the proposed actions received by June 15, 2001, will be especially useful in the preparation of the draft EIS. Timely comments will be used to identify: potential issues with the proposed actions, alternatives to the proposed actions that respond to the identified needs and significant issues, and potential environmental effects of the proposed actions and alternatives considered in detail. In addition, the public is encouraged to contact and/or visit Forest Service officials at any time during the planning process.

Relation to Forest Plan Revision—The Chequamegon-Nicolet National Forest is in the process of revising and combining the existing Land and Resource Management Plans (Forest Plans) for the Chequamegon National Forest and the Nicolet National Forest, which were administratively separate at the time the Forest Plans were developed. A Notice of Intent to revise and combine the Forest Plans was issued in 1996. As part of this process, various inventories and evaluations are occurring. Additionally, the Forest is in the process of developing alternative land management scenarios that could change the desired future conditions and management direction for the Forest. A Draft Environmental Impact Statement (DEIS) will be published in the near future that will disclose the consequences of the different land management direction scenarios considered in detail. As a result of the Forest Plan revision effort, the Forest has new and additional information beyond that used to develop the existing Forest Plans. This information will be used where appropriate in the analysis of this project to disclose the effects of the proposed activities and any alternatives developed in detail.

The decisions associated with the analysis of this project will be consistent with the existing Forest Plan, unless amended, for the Nicolet. Under regulations of the National Environmental Policy Act (40 CFR 1506.1), the Forest Service can take actions while work on a Forest Plan revision is in progress because a programmatic Environmental Impact Statement—the existing Forest Plan Final EIS, already supports the actions. The relationship of this project to the proposed FP revision will be considered as appropriate as part of this planning effort.

Estimated Dates for Filing—The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in December, 2001. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register**. Comments received on the draft EIS will be used in preparation of the final EIS, expected in July, 2002. A Record of Decision (ROD) will also be issued at that time along with the publication of a Notice of Availability of the final EIS and ROD in the **Federal Register**.

Reviewer's Obligation to Comment—The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir, 1986), and *Wisconsin Heritages Inc.* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period of the draft EIS in order that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 18, 2001.

Lynn Roberts,

Forest Supervisor, Chequamegon-Nicolet National Forest.

[FR Doc. 01–10058 Filed 4–23–01; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

Sunken Moose Project; Chequamegon/Nicolet National Forest, Bayfield County, Wisconsin

AGENCY: Forest Service, USDA.

ACTION: Notice, intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental effects of proposed land management activities, and corresponding alternatives, within the Sunken Moose Project Area.

The purpose of the Sunken Moose project is to implement land management activities that are consistent with direction in the Chequamegon Nation Forest Land and Resource Management Plan (Forest Plan) and to respond to specific needs, identified during Watershed Analysis, within the project area. The project specific needs include addressing: forest vegetation composition, age, ecological structure and processes; stand tending; transportation management; erosion control; access to lakes; and wildfire prevention.

The project area is located on National Forest System lands within the Bayfield Peninsula Southeast, Bayfield Peninsula Northwest, Iron River, and Fish Creek Watersheds west of Washburn, Wisconsin. A general legal description of the area follows: Land lying within the National Forest Boundary within Township 47 North, Range 6 West, Sections 2–8, 17, 18; Township 47 North, Range 7 West, Sections 1–18, 21,22; Township 47 North, Range 8 West, Section 1; Township 48 North, Range 5 West, Section 6; Township 48 North, Range 6 West; Township 48 North, Range 7 West; Township 48 North, Range 8 West, Sections 12, 13, 24, 25, 36; Township 49 North, Range 5 West, Sections 6–7,18–19,30–31; Township 49 North, Range 6 West; Township 49 North, Range 7 West, Sections 1, 11–17, 20–29, 32–36.

DATES: Comments concerning the proposed land management activities should be received by June 8, 2001 of this notice to receive timely consideration in the preparation of the draft Environmental Impact Statement (EIS).

ADDRESSES: Send written comments and suggestions on the proposed action, or Requests to be placed on the project mailing list, to: Keith W. Fletcher, Acting District Ranger, Washburn Ranger District, P.O. Box 578, 113 East Bayfield St., Washburn, WI 54891. E-mail comments should have a subject line that reads ''NEPA Washburn Sunken Moose'' and be sent to *rkiewit@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Ray Kiewit, Project Leader/NEPA Coordinator, Washburn Ranger District, P.O. Box 578, 113 East Bayfield St., Washburn, WI 54891, phone (715) 373–2667,or email at rkiewit@fs.fed.us.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by proposed management activities. The information presented is summarized. Those who wish to provide comments, or are otherwise interested in or affected by the project, are encouraged to obtain additional information from the contact identified in the For Further Information Contact section.

Proposed Actions—The proposed land management activities (proposed actions) include the following, with approximate acreage values:

(1) *Forest vegetation composition, age, ecological structure*—Do partial tree removal on 12,800 acres of red pine plantations in a manner that encourages introduction of within-stand vegetative diversity (including white pine), introduces understory species, and leads to fewer, larger overstory red pine trees on sites (This includes some row thinning, some individual tree removal, and some creation of canopy gaps). Do partial tree removal on 8,000 acres of oak forest types. About one-fourth of the acres would consist of modified shelterwood activity—with no overstory removal—to remove aspen and reintroduce white pine where feasible. Trees on the remaining acres would be thinned to increase tree vigor. Do shelterwood treatment on 900 acres of paper birch. About two thirds of the acres would be treated to regenerate new stands of paper birch, while one third would convert to red oak or white pine species. Do partial tree removal within 250 acres of aspen stands to encourage longer lived species such as red oak or white pine. Clearcut 100 acres of aspen in small (5–15 acre) patches to increase aspen age-class diversity. Underplant white pine seedlings on 10 acres near riparian areas. Plant red pine seedlings in the vicinity of Horseshoe Lake Campground.

(2) *Ecological processes*—Use prescribed burning on 2000 acres to promote Barrens and Pine Savannah vegetation communities.

(3) *Stand tending*—Do hand release (remove over-topping vegetation near young tree seedlings) within 3500 acres of pine plantations.

(4) *Transportation management*—Complete roads analysis (Forest Service Manual 7712.1) for the project area. Resulting proposed activities may include road construction, decommissioning and reclassification (mileage, locations, and purpose of each will be part of the Draft EIS).

(5) *Erosion control*—Rehabilitate approximately 30 sites, including the hillside near Long Lake, areas near lakeshores, pipeline corridors, and portions of trail corridors, where recreational use has caused soil erosion. Restrict use of dispersed site on east side of Horseshoe Lake to daytime only (no overnight camping). Repair Forest Road 697 where it crosses Four mile Creek and relocate Forest Road 847 near Bladder Lake so that erosion and sedimentation is greatly reduced or halted.

(6) *Access to lakes*—Restrict motorized access to Sawdust, Moose, Little Bladder, Mirror, Summit, Crystal, East Twin, and Cabin Lakes. Stabilize soil on lake access points after effective traffic control devices have been installed.

(7) *Wildfire prevention*—Install dry hydrants and/or improve access for fire equipment to draft water at Pine, Lenawee, Rib, Moose, Cabin, Long, Mirror, Bladder, Sawdust, and Summit Lakes plus one un-named lake in the central portion of Township 48 North, Range 8 West, Section 36.

Responsible Official—The Acting District Ranger of the Washburn Ranger District, Keith W. Fletcher, is the responsible official for making project-level decisions, within the project area.

Decision Space—Decision-making will be limited to if, when, how, and where to schedule specific activities relating to the proposed actions. The primary decision to be made will be whether or not to implement the proposed actions or another action alternative that responds to the project's purpose and needs.

Project History—Other projects in the same vicinity have been presented to the public in the past for review and comment. Fourteen environmental assessments, including Pipeline (1992) and Lenawee (1993), were completed, and approved through Decision Notices/Findings of No Significant Impact between 1988 and 2000. They included projects to manage vegetation within the Moquah Barrens Wildlife area, to salvage jack pine trees following ice storm, to thin plantations, and to accomplish recreation projects. In 1991, the Sunken Camp EIS was approved through a Record of Decision for vegetative management activities in the area, as well.

Preliminary Issues—Comments from the public, American Indian tribes, and other agencies were considered in identifying the following preliminary issue: potential effects on Threatened, Endangered, and Sensitive (TES) species and Management Indicator Species (MIS); concern over new road construction and road closures; concern over motorized recreational access; concern over forest health, in relation to the current vegetative patterns, structures, and species composition; and, potential effects of restoration activities on the overall watershed.

Public Participation—The Forest Service is seeking comments from Federal, State, and local agencies, as well as local Native American tribes and other individuals or organizations that may be interested in or affected by the proposed action. Comments received in response to this notice will become a matter of public record. While public participation is welcome at any time, comments on the proposed actions received within 30 days of this notice will be especially useful in the preparation of the draft EIS. Timely comments will be used to identify: potential issues with the proposed actions; alternatives to the proposed actions that respond to the identified needs and significant issues, and potential environmental effects of the proposed actions and alternatives considered in detail. In addition, the public is encouraged to contact and/or visit Forest Service officials at any time during the planning process.

Relation to Forest Plan Revision—The Chequamegon-Nicolet National Forest is in the process of revising and combining the existing Land and Resource Management Plans (Forest Plans) for the Chequamegon National Forest and Nicolet National Forest, which were administratively separate at the time the Forest Plans were developed. A Notice of Intent to revise and combine the Forest Plans was issued in 1996. As part of this process, various inventories and evaluations are occurring. Additionally,

the Forest is in the process of developing alternative land management scenarios that could change the desired future conditions and management direction for the Forest. A Draft Environmental Impact Statement (DEIS) will be published in the near future that will disclose the consequences of the different land management direction scenarios considered in detail. As a result of the Forest Plan revision effort, the Forest has new and additional information beyond that used to develop the existing Forest Plans. This information will be used where appropriate in the analysis of this project to disclose the effects of the proposed activities and any alternatives developed in detail.

The decisions associated with the analysis of this project will be consistent with the existing Forest Plan, unless amended, for the Chequamegon. Under regulations of the National Environmental Policy Act (40 CFR 1506.1), the Forest Service can take actions while work on a Forest Plan is in progress because a programmatic Environmental Impact Statement—the existing Forest Plan Final EIS—already covers the actions. The relationship of the project to the proposed Forest Plan revision will be considered as appropriate as part of this planning effort.

Estimated Dates for Filing—The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in January, 2002. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register**. Comments received on the draft EIS will be used in preparation of a final EIS, expected in May 2002. A Record of Decision (ROD) will be issued at that time along with the publication of a Notice of Availability of the final EIS and ROD in the **Federal Register**.

The Reviewer's Obligation to Comment—The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS state but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986), and *Wisconsin Heritages Ubc,* v, *Harris.* 490 F Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the 45-day comment period of the draft EIS in order that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 18, 2001.

Lynn Roberts,

Forest Supervisor, Chequamegon/Nicolet National Forest.

[FR Doc. 01–10059 Filed 4–23–01; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Oglethorpe Power Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to the construction and operation of a 520-megawatt, natural gas fired, combined cycle electric generation plant in Heard County, Georgia. Oglethorpe Power Corporation proposes to be the agent to construct and operate the plant. The Rural Utilities Service (RUS) may provide financing for the plant to an entity made up of members of Oglethorpe Power Corporation. The specifics of that entity have yet to be determined.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: Oglethorpe Power Corporation proposes to construct the proposed facility at the Hal B. Wansley Plant site in northeast Heard County approximately six miles southeast of Roopville, Georgia. The Wansley Plant is owned by Georgia Power Company, Oglethorpe Power Corporation, the Municipal Electricity Authority of Georgia, and the City of Dalton. Currently in operation at the site are two 865-megawatt, coal fired, electric generation units and a 49-megawatt, oil fired, combustion turbine. Oglethorpe Power Corporation's proposed plant is one of four blocks of additional electric generation facilities planned for construction at the site. Each block of additional generation is proposed to consist of two combustion turbines, two heat recovery steam generators, and one steam turbine. The total build-out of the four blocks would total approximately 2,280 megawatts.

The proposed project will be composed of two, nominal 167 megawatt Siemens V84.3A2 combustion turbines, each connected to a heat recovery steam generator which will power a nominal 187 megawatt Siemens steam turbine, for a total of 520 megawatts. It is the goal of Oglethorpe Power Corporation to have the plant in operation by the spring of 2003.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Mr. Greg Jones of Oglethorpe Power Corporation, P.O. Box 1349, Tucker, Georgia 30085–1349, (800) 241–5374 x7890; greg.jones@opc.com. Copies of the environmental assessment are available for review at Oglethorpe Power Corporation and RUS at the addresses provided herein.

Dated: April 18, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 01–10116 Filed 4–23–01; 8:45 am]

BILLING CODE 3410–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Monday, Tuesday, Wednesday, and Thursday, May 7–10, 2001, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, May 7, 2001

9 p.m.–5 p.m. Working Group—Americans with Disabilities Act / Architectural Barriers Act Final Rule (Closed Meeting)

Tuesday, May 8, 2001

9 a.m.–Noon Working Group—Americans with Disabilities Act / Architectural Barriers Act Final Rule (Closed Meeting)
1:30 p.m.–3 p.m. Informal Meeting (Closed Meeting)
3 p.m.–5 p.m. Committee of the Whole—Recreation Facilities Final Rule and Outdoor Developed Areas Proposed Rule (Closed Meeting)

Wednesday, May 9, 2001

9 a.m.–10:30 a.m. Technical Programs Committee
10:30 a.m.–Noon Planning and Budget Committee
1:30 p.m.–2:30 p.m. Public Rights-of-Way Ad Hoc Committee (Closed Meeting)
2:30 p.m.–3:30 p.m. Board Meeting

Thursday, March 15, 2001

9 a.m.–5 p.m. Working Group—Americans with Disabilities Act / Architectural Barriers Act Final Rule (Closed Meeting) (Tentative)

ADDRESSES: The meetings will be held at the Washington Renaissance Hotel, 999 9th Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, extension 113 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items.

Open Meeting

- Executive Director's Report
- Approval of the Minutes of the March 7, 2001 Board Meeting
- Planning and Budget Committee Report—Budget Spending Plan for Fiscal Year 2001; Fiscal Year 2002 Budget
- Technical Programs Committee Report—Report on Ongoing Research and Technical Assistance Projects; Discussion of Objectives for Visual Alarms Study

Closed Meeting

- Recreation Facilities Final Rule (Voting)
- Report on the ADA and ABA Accessibility Guidelines Final Rule

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

James J. Raggio,

General Counsel.

[FR Doc. 01–10016 Filed 4–23–01; 8:45 am]

BILLING CODE 8150–01–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: May 3, 2001; 2:15 p.m.–5:30 p.m.

PLACE: Radio Free Europe/Radio Liberty, Inc., Broadcast Center, Vinohradska 1, Prague, Czech Republic.

CLOSED MEETING: The members of the Broadcasting Board of governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internet procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclosed information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact either Brenda Hardnett or Carol Booker at (202) 401–3736.

Dated: April 19, 2001.

Carol Booker,

Legal Counsel.

[FR Doc. 01–10285 Filed 4–20–01; 2:33 pm]

BILLING CODE 8230–01–M

DEPARTMENT OF COMMERCE

Census Bureau

Current Population Survey (CPS)—Internet and Computer Use Supplement

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Submit written comments on or before June 25, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at mclayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Tim Marshall, Census Bureau, FOB 3, Room 3340, Washington, DC 20233–8400, (301) 457–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau requests clearance for the collection of data through the Internet and Computer Use Supplement which will be conducted in conjunction with the September 2001 CPS. The Census Bureau, the Bureau of Labor Statistics, the National Center for Education Statistics, and the National Telecommunications and Information Administration are jointly sponsoring this data collection. Title 13, United States Code, section 182 and Title 29, United States Code, sections 1–9 authorize the collection of CPS information.

All four agencies have definite objectives in conducting this data collection; some of which are shared among them, and others of which are solely their own. They all share the goal of disseminating information on the penetration of computer and Internet technology in the United States and the uses of this technology by households and individuals.

This survey will provide a source of national and state level data on the

demographic, social, and economic characteristics of Internet users and non-users. The development of statistical profiles of disadvantaged groups and specific geographic areas will permit public-private partnerships to target assistance to those that are most in need. It will provide information on where users access the Internet (at home, work, school, or other facility), the features used, and the reasons for nonuse of the Internet.

II. Method of Collection

The computer use information will be collected by both personal visits and telephone interviews in conjunction with the regular September CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Number: Not Applicable.

Form Number: There are no forms. We conduct all interviews on computers.

Type of Review: Regular.

Affected Public: Households.

Estimated Number of Respondents: 57,000.

Estimated Time Per Response: 8 minutes.

Estimated Total Annual Burden Hours: 7,600.

Estimated Total Annual Cost: The only cost to respondents is that of their time to answer the CPS questions.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, section 182 and Title 29, United States Code, sections 1–9.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of collecting the information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection and will become a matter of public record.

Dated: April 19, 2001.

Madeleine Clayton,

Department Paperwork Clearance Officer, Office of the Chief Information Office.

[FR Doc. 01–10088 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Annual Trade Survey

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 25, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at mclayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to: Scott A. Scheleur, Bureau of the Census, Room 2626–FOB 3, Washington, DC 20233–6500, (301) 457–2713.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Trade Survey (ATS) provides a sound statistical basis for the formation of policy by other government agencies. It provides continuing and timely national statistics on wholesale trade augmenting the period between economic censuses, and is a continuation of similar wholesale trade surveys conducted each year since 1978. The data that the Bureau collects with the ATS: annual sales, end-of-year inventories, and purchases are applicable to a variety of public and business needs. The Census Bureau collects these annual data from firms reporting in the Monthly Wholesale Trade Survey (MWTS) as well as an additional sample of firms selected specifically for the annual survey. The annual collection is mandatory, whereas response to the monthly is voluntary. Estimates developed in the ATS are used to benchmark the monthly sales and inventories series. The firms canvassed in this survey are not required to maintain any additional records since carefully prepared estimates are acceptable if book figures are not available.

II. Method of Collection

We will collect this information by mail, FAX and telephone follow-up.

III. Data

OMB Number: 0607–0195.

Form Number: SA–42 and SA–42A.

Type of Review: Regular Submission.

Affected Public: Wholesale Businesses.

Estimated Number of Respondents: 5,956.

Estimated Time Per Response: .3938 hrs (approx. 24 minutes).

Estimated Total Annual Burden Hours: 2,345 hours.

Estimated Total Annual Cost: The cost to the respondent is estimated to be $42,679 based on an annual response burden of 2,345 hours and a rate of $18.20 per hour to complete the form.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Section 182, 224, and 225.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 19, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–10089 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposal To Collect Information on the Annual Survey of Foreign Direct Investment in the United States

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 25, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Office of the Chief Information Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to: R. David Belli, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50(OC), Washington, DC 20230 (Telephone: 202–606–9800).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Foreign Direct Investment in the United States (Form BE–15) obtains cut-off sample data on the financial structure and operations of nonbank U.S. affiliates of foreign investors. The data are needed to provide reliable, useful, and timely measures of foreign direct investment in the United States, assess its impact on the U.S. economy, and based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States. The data are used to derive annual estimates of the operations of U.S. affiliates of foreign investors, including their balance sheets; income statements; property, plant, and equipment; external financing; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development (R&D) activity. The data are also used to update similar data for the universe of U.S. affiliates collected once every five years in the BE–12 benchmark survey.

No changes to the forms and instructions are proposed.

II. Method of Collection

The BE–15 annual survey is sent to potential respondents at the end of March each year. A completed report covering a reporting company's fiscal year ending during the previous calendar year is due by May 31, 60 days after mailing. Reports must be filed by every nonbank U.S. business enterprise that is owned 10 percent or more by a foreign investor and that has total assets, sales, or net income (or loss) of over $30 million. Potential respondents are those nonbank U.S. business enterprises that report in the 1997 benchmark survey of foreign direct investment in the United States, along with nonbank affiliates that subsequently enter the direct investment universe. The BE–15 is a cutoff-sample survey, as described; universe estimates are developed from the reported sample data.

III. Data

OMB Number: 0608–0034.

Form Number: BE–15.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 4,975.

Estimated Time Per Response: 26 hours.

Estimated Total Annual Burden: 128,000 hours.

Estimated Total Annual Cost: $3,840,000 (based on an estimated reporting burden of 128,000 hours and an estimated hourly cost of $30).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 19, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–10087 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–837]

Initiation of Antidumping Duty Investigation: Greenhouse Tomatoes From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Thomas Schauer, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4794 or (202) 482–0410, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce's (the Department's) regulations are to the provisions at 19 CFR part 351 (2000).

The Petition

On March 28, 2001, the Department received a petition on imports of greenhouse tomatoes filed in proper form by Carolina Hydroponic Growers Inc., Eurofresh, HydroAge, Sunblest Management LLC, Sunblest Farms LLC, and Village Farms (referred to hereafter as ''the petitioners''). On April 2, 2001, the Department requested additional information and clarification of certain areas of the petition. The petitioners filed supplements to the petition on April 9 and 11, 2001.

In accordance with section 732(b) of the Act, the petitioners allege that imports of greenhouse tomatoes from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring and threaten to injure an industry in the United States.

The Department finds that the petitioners filed this petition on behalf

of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act. Furthermore, the petitioners have demonstrated sufficient industry support with respect to the antidumping duty investigation they are requesting the Department to initiate (see ''Determination of Industry Support for the Petition'' below).

Scope of Investigation

The merchandise subject to this investigation consists of all fresh or chilled tomatoes grown in greenhouses in Canada, *e.g.*, common round tomatoes, cherry tomatoes, plum or pear tomatoes, and cluster or ''on-the-vine'' tomatoes. Specifically excluded from the scope of this investigation are all field-grown tomatoes.

The merchandise subject to this investigation may enter under 0702.00.2000, 0702.00.2010, 0702.00.2030, 0702.00.2035, 0702.00.2060, 0702.00.2065, 0702.00.2090, 0702.00.2095, 0702.00.4000, 0702.00.4030, 0702.00.4060, 0702.00.4090, 0702.00.6000, 0702.00.6010, 0702.00.6030, 0702.00.6035, 0702.00.6060, 0702.00.6065, 0702.00.6090, and 0702.00.6095 of the Harmonized Tariff Schedule of the United States (HTSUS). These subheadings may also cover products that are outside the scope of this investigation, *i.e.,* field-grown tomatoes. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioners to ensure that it accurately reflects the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27296, 27323), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments within 20 calendar days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition must be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering agency shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

On April 11 and 12, 2001, potential respondents made submissions challenging industry support for the petition pursuant to sections 732(b)(3) and 732(c)(4)(D) of the Act. They argue that the domestic like product is all fresh or chilled tomatoes for the fresh market, regardless of whether the tomatoes are grown in a field or in a greenhouse. Certain potential respondents argue further that the Department should poll the domestic producers of the like product (as defined by potential respondents), *i.e.*, all producers of tomatoes for the fresh market, in order to determine whether there is sufficient industry support for the petition. In addition to their disagreement over the petitioners' definition of the domestic like product, these potential respondents assert that, in the petitioners' calculation of an industry-support percentage, the petitioners underestimated the size of the total U.S. industry producing tomatoes for the fresh market. Certain potential respondents did not propose that the Department poll the U.S. producers of the domestic like product but requested that the Department dismiss the petition and terminate the proceeding for lack of industry support.

On April 13 and 16, 2001, the petitioners submitted comments on the potential respondents' industry-support challenge. Foremost, the petitioners view the comments of the potential respondents as more directly related to the like-product analysis and an effort to broaden the scope of the domestic like product rather than comment upon industry support. The petitioners request that the Department disregard the comments of the potential respondents as unrelated to standing with respect to the greenhouse tomato industry. The petitioners also assert that the arguments submitted by the potential respondents in reference to Departmental precedent, the International Trade Commission's (ITC's) like-product analysis, standing, and changes in the domestic industry are incorrect. On April 16, 2001, the potential respondents replied to the petitioners' April 13, 2001, submission and again requested that the Department not consider an initiation of an investigation until it has polled all producers of tomatoes for the fresh market.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The ITC, which is responsible for determining whether ''the domestic industry'' has been materially injured, must also determine what constitutes a domestic like product in order to define the industry. While the Department and the ITC must apply the same statutory definition regarding the domestic like product (see section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to law.[1]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic-like-product analysis begins is ''the article subject to an investigation,'' *i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

With regard to the definition of domestic like product, in the context of this case, we find that considering

[1] See *Algoma Steel Corp. Ltd.,* v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988), and *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

greenhouse tomatoes a distinct domestic like product is reasonable. We reached this decision after evaluating the arguments and information presented and examining information that we obtained independently. Through our analysis we identified several factors that distinguish greenhouse tomatoes as a distinct domestic like product. The distinctions between tomatoes produced in greenhouses and tomatoes produced in a field are found in the production process, cost, pricing, and marketing. The petitioners also argued that physical differences distinguish greenhouse-grown and field-grown tomatoes.

With regard to production process, unlike producers of field-grown tomatoes, the petitioners produce greenhouse tomatoes in a laboratory-type situation in which they control the growing environment (*e.g.,* temperature, humidity, and, in some cases, light). This enables the greenhouse producer to have greater control over quality and results in higher yields per acre than field production. Also, the per-acre and per-pound cost of production for greenhouse tomatoes is much higher than for field-grown tomatoes. This higher cost of production generally results in higher pricing than for field-grown tomatoes. To obtain the higher prices for their greenhouse tomatoes than the prices for field-grown tomatoes, it is necessary for the producers of greenhouse tomatoes to distinguish their products from the field-grown tomatoes in their marketing efforts. These factors support our conclusion that, in the context of this case, it is reasonable to conclude that the domestic like product, like the scope of the investigation, is limited to tomatoes grown in greenhouses.[2] For more information on our analysis and the data upon which we relied see Initiation Checklist, Re: Industry Support.

We also disagree with the potential respondents' assertion that in the petitioners' calculation of an industry-support percentage they underestimated the size of the industry producing greenhouse tomatoes. To support their assertion that the U.S. industry is larger than that identified by the petitioners, the potential respondents cite to an estimate by an industry expert of the size of the greenhouse tomato industry. In a subsequent submission the petitioners reiterated their earlier clarification that this industry expert's figure is overstated. Moreover, the petitioners' response is supported by other information on the record (see Initiation Checklist, Re: Industry Support).

The petitioners were not able to locate recent statistics on the total production volume or value of the domestic like product, but they have sufficiently established that such information is not reasonably available to them. Therefore, in accordance with section 351.203(e)(1) of the regulations, we have accepted other publicly available information as a sufficient measure of current production levels, *i.e.,* 1998 acreage and sales figures for greenhouse tomato production and the petitioners' estimate of 2000 greenhouse tomato acreage. We find the acreage and sales information to be reasonably available to the petitioners and indicative of production levels.

Our review of the data provided in the petition and other information readily available to the Department indicates that the petitioners have established industry support representing over 50 percent of total production of the domestic like product, requiring no further action by the Department pursuant to section 732(c)(4)(D) of the Act. In addition, the Department received no opposition to the petition from parties other than the potential respondents. Therefore, the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A)(i) are met. Furthermore, the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition. Thus, the requirements of section 732(c)(4)(A)(ii) of the Act also are met. Accordingly, the Department determines that the petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Constructed Export Price and Normal Value

The following is a description of the allegation of sales at less than fair value upon which the Department based its decision to initiate this investigation. The sources of data for the deductions and adjustments relating to U.S. price and normal value are discussed in greater detail in the Initiation Checklist. Should the need arise to use any of this information as facts available under section 776 of the Act, we may reexamine the information and revise the margin calculations, if appropriate. The anticipated period of investigation is January 1, 2000, through December 31, 2000.

The following Canadian companies were identified in the petition as producers of greenhouse tomatoes: Amco Produce Inc., Clifford Produce, Double Diamond Acres Ltd., Co-Op Sales Agency, DiCiocco Farms, Erie-James Ltd., Erie Shores Growers Ltd., Fruits et Legumes Vegebec Inc., Great Northern Hydroponics, Golden Jem Produce Inc., Huron Produce Ltd., Huy Farms Ltd., Hydro-Serre Mirabel, Mastronardi Produce Ltd., MCM Acres Ltd., Mucci International Marketing, Rx Farms Ltd., St. Laurent Greenhouse, and Veg Gro Sales Inc. Other producers are likely to be identified as we proceed with this investigation.

The petitioners based constructed export prices on terminal market prices they obtained from the U.S. Department of Agriculture's Agricultural Market News Service. In order to obtain ex-factory prices, the petitioners deducted international transportation and customs duty, U.S. inland freight, and commissions from the sales value. The petitioners calculated international transportation and customs duty from data compiled by the U.S. Bureau of Census. The petitioners calculated U.S. inland freight on the basis of a weighted-average of freight invoices for shipments of tomatoes within the United States. We reviewed the information provided regarding constructed export price and have determined that it is adequate and accurate and represents information reasonably available to the petitioners (see Initiation Checklist, Re: Less-Than-Fair-Value Allegation).

With respect to normal value, the petitioners provided home-market prices derived from weekly wholesale prices published by Canada's Ministry of Agriculture and Agri-Food. In order to obtain ex-factory prices, the petitioners deducted inland freight and commissions. As a result of our review of the petitioners' calculation of the inland freight adjustment, we determined that it was necessary to revise the amount used (see Initiation Checklist, Re: Less-Than-Fair-Value Allegation). Otherwise, we determined that the information the petitioners used for the calculation of home-market price is adequate and accurate and represents information reasonably available to them.

The petitioners have provided information demonstrating reasonable

[2] We note that the Department has broad authority to define the scope of antidumping duty investigations. See *Diversified Products Corp.* v. *United States,* 6 CIT 155, 159 (1983). Further we acknowledge that the ITC has authority to find a domestic like product to be broader or narrower in scope than the class or kind of merchandise described by the Department. See *Hosiden Corp. et al.* v. *United States,* 85 F. 3d 1561, 1563 (Fed. Cir. 1996).

grounds to believe or suspect that sales of greenhouse tomatoes in Canada were made at prices below the fully absorbed cost of production, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, cost of production includes cost of materials and fabrication, selling, general, and administrative expenses, and packing expenses. The petitioners obtained the cost of materials and fabrication and packing expenses from publicly available Canadian industry data and affidavits from officials of the petitioning companies. To calculate selling, general and administrative, and interest expenses, the petitioners relied upon the 2000 financial statements of a Canadian company in the same general industry. As a result of our review of the costs used by the petitioners, we determined it was necessary to revise certain items (see Initiation Checklist, Re: Less-Than-Fair-Value Allegation).

Pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, the petitioners also based normal value for sales in Canada on constructed value. The petitioners calculated constructed value using the same cost of materials, fabrication, and selling, general and administrative figures used to compute Canadian home-market costs. Consistent with section 773(e)(2) of the Act, the petitioners included in constructed value an amount for profit.

As noted above, pursuant to section 773(b) of the Act, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales in the home market were made at prices below the fully absorbed cost of production. The petitioners requested that the Department conduct a country-wide sales-below-cost investigation in connection with the requested antidumping investigation. The Statement of Administrative Action (SAA) accompanying the URAA states that ''an allegation of sales below cost need not be specific to a particular exporter or producer.'' SAA, H. Doc. 103–316, Vol. 1, 103d Cong., 2d Session, at 833 (1994). The SAA, at 833, also states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.'' Further, the SAA provides that ''(n)ew section 773(b)(2)(A) retains the current requirement that Commerce have 'reasonable grounds to believe or suspect' that below-cost sales have occurred before initiating such an investigation. 'Reasonable grounds' * * * exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.'' *Id.*

Based upon the comparison of the adjusted prices from the petition for the representative foreign like products to their cost of production, we find the ''reasonable grounds to believe or suspect'' that sales of the foreign like product in Canada were made at prices below their respective cost of production within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating the requested country-wide cost investigation.

Fair Value Comparison

Based on the data provided by the petitioners, there is reason to believe that imports of greenhouse tomatoes from Canada are being, or are likely to be, sold in the United States at less than fair value. As a result of the comparison of constructed export prices to normal value, we recalculated estimated dumping margins for imports of greenhouse tomatoes from Canada that range from 0.00 percent to 126.73 percent.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured and is threatened with material injury by reason of the imports of the subject merchandise sold at less than normal value. The petitioners contend that their injured condition is evidenced by declining trends in market share, pricing, production levels, profits, sales, and utilization of capacity. Furthermore, the petitioners contend that injury and threat of injury is evidenced by negative effects on their cash flow, ability to raise capital, and growth.

These allegations are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation (see Initiation Checklist, Re: Material Injury).

Initiation of Antidumping Investigation

Based upon our examination of the petition on greenhouse tomatoes from Canada and other information reasonably available to the Department, we find that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of greenhouse tomatoes from Canada are being, or are likely to be, sold in the United States at less than fair value. Unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Canada. We will attempt to provide a copy of the public version of the petition to each producer named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, no later than May 14, 2001, whether there is a reasonable indication that imports of greenhouse tomatoes are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in this investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 17, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–10154 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review and New Shipper Reviews, and Final Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On October 11, 2000, the Department of Commerce (the Department) published the preliminary results of its administrative and new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). The administrative review and the new shipper reviews cover the period September 1, 1998 through August 31, 1999.

Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn, Elfi Blum, Abdelali Elouaradia, or Maureen Flannery; Office of Antidumping/Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–0648, (202) 482–0197, (202) 482–1374, and (202) 482–3020, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2000).

Background

On October 11, 2000, the Department published in the **Federal Register** the preliminary results of review of the antidumping duty order on freshwater crawfish tail meat from the PRC (65 FR 60399). Since the publication of the preliminary results, the following events have occurred. Huaiyin Foreign Trade Corporation(30) (Huaiyin30), Yancheng Foreign Trade Corporation (Yancheng FTC), Ocean Harvest Wholesale Inc. (Ocean Harvest), Nantong Delu Aquatic Food., Ltd. (Nantong Delu), Yancheng Fubao Aquatic Food Co., Ltd. (Yancheng Fubao), Louisiana Packing Company, and Yancheng Haiteng Aquatic Products & Foods Company, Ltd. (Yancheng Haiteng) submitted timely information on surrogate values on October 31, 2000. Petitioner, the Crawfish Processors Alliance, and the Louisiana Department of Agriculture & Forestry and Bob Odom, Commissioner, submitted timely information on proposed surrogate values on November 20, 2000. On November 27, 2000, we received comments on the results of preliminary review from respondents, Ningbo Nanlian Frozen Foods Corporation, Ltd. (Ningbo Nanlian)/Huaiyin Foreign Trade Corporation (5) (Huaiyin5), Yancheng Haiteng, Suquian Foreign Trade Company, Ltd. (Suquian FTC), Yangzhou Lakebest Foods Company, Ltd. (Yangzhou Lakebest), Shantou SEZ Yangfeng Marine Products Company (Shantou SEZ), Huaiyin30, Qingdao Zhengri Seafood Co., Ltd. (Qingdao Zhengri), Fujian Pelagic Fishery Group Company (Fujian Pelagic), Yancheng Baolong Biochemical Products Co., Ltd. (Baolong Biochemical), Yancheng FTC, and Nantong Delu, and from Ocean Harvest, an importer of subject merchandise. We also received comments from the petitioner.

On December 6, 2000, we received rebuttal comments from all parties listed above, except for Baolong Biochemical, Yancheng FTC, Nantong Delu, and Ocean Harvest.

On December 11, 2000, the Department conducted a public hearing on the issues presented by interested parties in their case and rebuttal briefs.

On March 22, 2001, the Department requested that interested parties comment on the use of data published by Agencia Tributaria, an agency of the Spanish government, regarding Spanish exports of whole fresh crawfish to the European Union. The Department received comments from Ningbo Nanlian/Huaiyin5, Huaiyin30, Qingdao Zhengri, Fujian Pelagic, and petitioner on March 28, 2001, and rebuttal comments from these same parties on March 30, 2001.

The Department has now completed these reviews in accordance with section 751 of the Act.

Scope of Reviews

The product covered by this review is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10, 1605.40.10.90, 0306.19.00.10 and 0306.29.00.00. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Duty Absorption

In the preliminary results we found that for Ningbo Nanlian/Huaiyin5 and Yancheng Haiteng, antidumping duties have been absorbed by the affiliated importer during the period of review (POR). In addition, we found that antidumping duties have been absorbed by Ocean Harvest for sales in which Yancheng FTC acted as the exporter for Nantong Delu during the POR. For these final results, we find that Yancheng Haiteng did not export merchandise to the United States at dumped prices during the POR. Therefore, with respect to Yancheng Haiteng, we determine that no duty absorption occurred. With respect to Ningbo Nanlian/Huaiyin5, and to sales for which Yancheng FTC acted as exporter for Nantong Delu, no additional information has been placed on the record which contradicts our preliminary finding. Therefore, for these companies, no changes to our preliminary findings have been made for these final results.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review and these new shipper reviews are addressed in the *Issues and Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary for AD/CVD Enforcement Group III to Bernard T. Carreau, Deputy Assistant Secretary for Import Administration: Issues and Decision Memo for the Final Results of the Antidumping Duty Administrative Review and the Antidumping New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated April 09, 2001 (*Decision*

Memo), which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memo,* is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 of the main Commerce Building (B–099). In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. We have also corrected certain clerical errors in our preliminary results, where applicable. For a discussion of the issues and changes made for each company, refer to the *Decision Memo,* as above.

Valuation of Crawfish Input

In the investigation of sales at less than fair value (LTFV) and in previous reviews of this order, as well as in the preliminary results of these reviews, we have used data on imports into Spain from Portugal to value the live crawfish input for tail meat production. *See Memorandum to Maureen Flannery from Scott Lindsay: Administrative and New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China: Factor Values Memorandum,* dated September 29, 2000, at 20. However, information on the record of the current reviews indicates that the volume of imports from Portugal into Spain has decreased significantly since the period of the investigation and the first administrative review, and constituted a mere 17 metric tons during the period of the current administrative review. We considered using data on Spanish exports to the European Union, which were in significant quantities, as an alternative to import data for these final results.

As noted above, the Department requested that interested parties comment on the use of such data, which we used in the *Notice of Preliminary Results of Antidumping Duty New Shipper Administrative Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China,* issued March 21, 2001. Both petitioner and respondents argued against use of the data because it appears to include exports of items other than live crawfish. For further details, *see* the *Decision Memo.* After analyzing the comments received, we have determined that the best information on the record of these reviews is data on Spanish imports of live crawfish from Portugal published by Agencia Tributaria of the Spanish government. However, given the decline of this market, we intend to search for alternative sources of surrogate data for the live crawfish input in other ongoing and future reviews.

Partial Rescission of Administrative Review

In our preliminary results, we concluded that Baolong Biochemical did not have any sales to the United States during the review period, and thus was not entitled to a review under section 751(a) of the Act. For a further discussion of these issues, see the relevant sections of the *Decision Memo. See also Decision Memorandum for Troy H. Cribb through Joseph A. Spetrini from Barbara E. Tillman: Yancheng Baolong Biochemical Products (Baolong Biochemical): Intent to Rescind Administrative Review,* of September 29, 2000. After reviewing the comments received with respect to Baolong Biochemical, we have concluded that our preliminary determination was appropriate because Baolong Biochemical had no sales to the United States during the POR. Therefore, we are rescinding the administrative review of Baolong Biochemical.

Furthermore, we did not receive any comments regarding our preliminary decision to rescind the review with respect to Huaiyin, Hua Yin, Hua Yin Foreign Trading (Hua Yin FT), and Huaiyin Foreign Trading (Huaiyin FT). Therefore, we have not altered our decision and are rescinding the administrative review for these companies. We determine that subject merchandise entering the United States under one of these names is covered by this review only to the extent that the exporter is in fact Huaiyin Foreign Trade Corporation (Huaiyin FTC), Huaiyin5, or Huaiyin30, which are separately covered by this review.

Determination to Apply Facts Available

The Department received no comments on its preliminary determination to apply facts available to Huaiyin FTC, Yupeng Fishery, or Lianyungang Haiwang Aquatic Products Co., Ltd. (Lianyungang Haiwang). Therefore, we have not altered our decision to apply facts available to these companies for these final results of review. Furthermore, after considering comments regarding Asia Europe, which was the same company as Yancheng Baolong Aquatic Foods Co., Ltd. (Baolong Aquatic) and Baolong Group during the POR, we have determined that it is appropriate to continue to apply the facts available to these companies. Therefore, we are treating all the above companies, together with all other PRC companies that have not established that they are entitled to separate rates, as a single enterprise subject to government control. Furthermore, we have determined the rate to be applied to this single enterprise is a PRC-wide rate based on adverse facts available, in accordance with section 776(b) of the Act. Section 776(b) of the Act states that adverse facts available may include information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. As adverse facts available, we are using the PRC-wide rate from the LTFV investigation, 201.63 percent, which is the highest rate in any segment of this proceeding.

Final Results of Review

We determine that the following weighted-average margins exist for the period September 1, 1998 through August 31, 1999:

Manufacturer/Exporter	Margin (percent)
Ningbo Nanlian/Huaiyin5	2.75
Yancheng Haiteng	0.00
Huaiyin30	139.68
Yancheng FTC	35.73
Fujian Pelagic	38.76
Yangzhou Lakebest	0.00
Suqian FTC	0.00
Qingdao Zhengri	0.00
Shantou SEZ	0.00
PRC-Wide Rate	201.63

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review and new shipper reviews for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis,* the Department shall require no deposit of estimated antidumping duties; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash

deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, 201.63 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and these new shipper reviews and notice are in accordance with sections 751(a)(1), 751(a)(2)(B) and 771(i)(1) of the Act.

Dated: April 9, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix

List of Issues

1. Use of Spanish Import Data as Surrogate Value for Live Crawfish
2. Use of Mexican Data as Surrogate Value for Live Crawfish
3. Use of Spanish Export Data as Surrogate Value for Live Crawfish
4. Calculation of Byproduct Value based on India Import Statistics
5. Power and Fuel Expenses as Part of Surrogate Overhead
6. Use of Annual vs. Monthly Average Exchange Rates
7. Water as a Separate Cost
8. Fujian Pelagic's Sales to Pacific Coast: Export Price vs Constructed Export Price
9. Baolong Biochemical Rescission
10. Use of the Facts on the Record to Calculate Baolong Biochemical's Dumping Margin
11. Yancheng FTC/Ocean Harvest: Calculation of Packing Material Costs
12. Ningbo/Huaiyin 5: Marine Insurance
13. Huayin 30: Partial Adverse Facts Available

[FR Doc. 01–10152 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–009]

Industrial Nitrocellulose From France: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on industrial nitrocellulose from France. The review covers one manufacturer/exporter, Bergerac, N.C. The period of review is August 1, 1999, through July 31, 2000.

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: David Dirstine, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–4033.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1999).

Extension of Time Limits for Preliminary Results

The Department of Commerce (the Department) received a request to conduct an administrative review of the antidumping duty order on industrial nitrocellulose from France. On October 2, 2000, the Department initiated this administrative review covering the period August 1, 1999, through July 31, 2000. However, due to complexity of the issues in this case, such as the initiation of a cost investigation, how U.S. sales are to be compared to home-market sales, how difference-in-merchandise adjustments are calculated, and a statutorily required verification of information submitted in the instant review, it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with that section, the Department is extending the time limit for the preliminary results fully to August 31, 2001. The Department intends to issue the final results of review 120 days after the publication of the preliminary results. This extension of the time limit is in accordance with section 751(a)(3)(A) of the Act.

Dated: April 12, 2001.

Louis Apple,

Acting Deputy Assistant Secretary for AD/CVD Enforcement I.

[FR Doc. 01–10153 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Pasta From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amendment to final results of antidumping duty administrative review in accordance with decision upon remand: Certain Pasta from Italy.

SUMMARY: We are amending the cash deposit and assessment rates for imports of pasta from Arrighi S.p.A. Industrie Alimentari (Arrighi) and Barilla Alimentare, S.p.A. (Barilla) and the assessment rate for La Molisana Industrie Alimentari, S.p.A. (La Molisana) calculated for the January 19, 1996, through June 30, 1997, administrative review of this order. The cash deposit rate for La Molisana was not affected by the litigation. The revised cash deposit rate for Arrighi is 19.09 percent *ad valorem* and for Barilla is 45.49 percent *ad valorem.*

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Enforcement, Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, N.W., Washington, DC 20230; telephone (202) 482–3965.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (Department's) regulations are to 19 CFR Part 351 (1997).

SUPPLEMENTARY INFORMATION:

Background

On June 26, 2000, the United States Court of International Trade (CIT) remanded to the Department the final results in the January 19, 1996, through June 30, 1997, antidumping duty administrative review of certain pasta from Italy. *See World Finer Foods, Inc., et al.* v. *United States,* 886 F. Supp. 23 (CIT 2000) (*see also Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review; Certain Pasta from Italy,* 64 FR 6615 (February 10, 1999)). In its remand, the CIT instructed the Department to reconsider the information provided by World Finer Foods, Inc., and determine an appropriate facts available rate for Arrighi. The CIT further instructed the Department to consider information submitted by La Molisana that would identify the name of the importer of record for certain U.S. sales transactions reported by La Molisana and to recalculate the applicable assessment rates for La Molisana. With regard to Barilla, the CIT instructed the Department to determine a margin that, although adverse, bears a ''rational relationship'' to the current level of dumping in the industry and provide corroboration explaining the probative value of the data used in determining the adverse facts available margin. On September 15, 2000, the Department filed its results of redetermination pursuant to the CIT's order. On November 3, 2000, the CIT affirmed the final revised remand determination in *World Finer Foods, Inc., et al.* v. *United States,* 120 F. Supp.2d 1331.

In light of the final and conclusive court decision in this action, we are amending the cash deposit rate for Arrighi from 71.49 percent to 19.09 percent ad valorem and the cash deposit rate for Barilla from 71.49 percent to 45.49 percent ad valorem. In addition, we are amending the assessment rates for merchandise produced by Arrighi and imported by World Finer Foods, Inc., and the merchandise produced by La Molisana and Barilla.

Amended Final Determination

As there is now a final and conclusive court decision in this action, we are amending the final results of the administrative review on certain pasta from Italy covering the period January 19, 1996, through June 30, 1997, pursuant to section 516A(e) of the Act. As a result of this remand redetermination, the recalculated final weighted-average margins are as follows:

Manufacturer/producer	Margin percentage
Arrighi	10.09
Barilla	45.49

The cash deposit rates for Arrighi of 19.09% ad valorem and for Barilla of 45.49% ad valorem will be effective upon publication of this notice of amended final results on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date. The cash deposit rate for La Molisana will continue to be based on the margins found to exist in the most recently completed review.

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all entries of subject merchandise from Arrighi, Barilla, and La Molisana during the period January 19, 1996, through June 30, 1997, in accordance with these amended final results. For Barilla, this decision also affects the enjoined entries for the period July 1, 1998, through June 30, 1999. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates by aggregating the dumping margins for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer. Where the importer-specific assessment rate is above de miminis, we will instruct Customs to assess antidumping duties on that importer's entries of subject merchandise. We will direct Customs to assess the resulting percentage margins against the entered Customs values for the subject merchandise on each of that importer's entries under the order during the period of review.

These amended final results and notice are in accordance with sections 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.221. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 17, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–10151 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–009. *Applicant:* University of Virginia, Department of Psychology, 102 Gilmer Hall, P. O. Box 400400, Charlottesville, VA 22904–4400. *Instrument:* Electron Microscope, Model JEM–1010. *Manufacturer:* JEOL Ltd., Japan.

Intended Use: The instrument is intended to be used for ultrastructural examination of animal or postmortem human neural material prepared for basic neurobiology research and teaching purposes. In addition, the instrument will be used in training graduate and undergraduate students on ultrastructural approaches in neurobiology. *Application accepted by Commissioner of Customs:* April 2, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–10155 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy

AGENCY: United States Military Academy, Army, DOD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(20) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 9 May 2001.

Place of Meeting: Veteran Affairs Conference Room, Room 418, Senate Russell Office Bldg., Washington, DC.

Start Time of Meeting: Approximately 9:30 A.M.

FOR FURTHER INFORMATION CONTACT: For further information contact Lieutenant Colonel Edward C. Clarke, United States Military Academy, West Point, NY 10996–5000, (845) 938–4200.

SUPPLEMENTARY INFORMATION: Proposed Agenda: Spring Meeting of the Board of Visitors. All proceedings are open.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–10015 Filed 4–23–01; 8:45 am]

BILLING CODE 3770–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Program for Qualifying Department of Defense (DoD) Brokers

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC), as the Program Director for the Department of Defense (DoD), has reviewed comments received in response to the **Federal Register** Notice of December 18, 2000 (Volume 65, Number 243) page 79084. We appreciate the comments of those responding and weighed them in our decision process. MTMC will reconsider expanding the role of brokers to allow their participation in DoD's Personal Property Program when proposal's within the Task Force Fix are implemented.

FOR FURTHER INFORMATION CONTACT: Ms. Sylvia Walker, Headquarters, Military Traffic Management Command, Attn: MTPP–HQ, Room 10N67–51, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–5000; Telephone (703) 428–2982, Telefax (703) 428–3388.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–10014 Filed 4–23–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Patent for Exclusive, Partially Exclusive, or Non-Exclusive License

AGENCY: U.S. Army Soldier and Biological Chemical Command, DoD.

ACTION: Notice.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive, or nonexclusive licenses under the following patent that is listed in the **SUPPLEMENTARY INFORMATION** paragraph.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier and Biological Chemical Command, Kansas Street, Natick, MA 01760, phone (508) 233–4928 or E-mail: Robert.Rosenkrans@natick.army.mil.

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. The following Patent, Title, and Issue date is provided:

Patent Number: 09/165,043.

Title: Enzyme-Catalyzed Modifications of Macromolecules in Organic Solvents.

Issue Date: April 3, 2001.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–10010 Filed 4–23–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement (EIS) for the Huntington Beach Bluff-Top Storm Damage Reduction, Orange County, CA

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District intends to prepare an EIS to support the proposed storm damage reduction study at the Huntington Beach Bluff-Top area, Orange County, California. The purpose of the proposal is to identify measures that reduce or eliminate losses to facilities resulting from cliff erosion at the North, Central, and South Reaches of the bluff-top. The North, Central, and South Reaches encompass an 8,000-foot stretch of coast extending from the southern boundary of Bolsa Chica State Beach to 17th Street, and inland to the Pacific Coast Highway. Alternative measures for reducing or eliminating wave-induced damages to coastal development within the identified reaches include the relocation of facilities, construction of coastal structures such as seawalls or revetments, construction of offshore structures such as submerged breakwaters or nearshore mounds of sediment, and beach nourishment. The EIS will analyze potential impacts on the environmental range of alternatives, including the recommended plan.

FOR FURTHER INFORMATION CONTACT: For further information contact Ms. Stephanie Hall, Project Environmental Coordinator, (213) 452–3862, or Ms. Felicia Kirksey, Study Manager, (213) 452–3835.

SUPPLEMENTARY INFORMATION: The Army Corps of Engineers intends to prepare an EIS to assess the environmental effects associated with the proposed erosion mitigation measures at the North, Central and South Reaches of the Huntington Beach Bluff-Top, from the southern boundary of Bolsa Chica State Beach to 17th Street, and inland to the Pacific Coast Highway. The public will have the opportunity to comment on this analysis before any action is taken to implement the proposed action.

Scoping: The Army Corps of Engineers will conduct a scoping meeting prior to preparing the Environmental Impact Statement to aid in the determination of significant environmental issues associated with the proposed action. The public, as well as Federal, State, and local agencies, are encouraged to participate in the scoping process by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the environmental analysis. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and potential mitigation measures associated with the proposed action.

A public scoping meeting will be held in the City of Huntington Beach in May, 2001. The date, location and time of the public scoping meeting will be announced in the local news media at least two weeks prior to the meeting. A

separate notice of this meeting will be sent to all parties on the study mailing list.

Individuals and agencies may offer information or data relevant to the environmental or socioeconomic impacts by attending the public scoping meeting. Comments, suggestions, and requests to be placed on the mailing list for announcements should be sent to Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles District, P.O. Box 532711, Los Angeles, CA 90053–2325, ATTN: CESPL–PD–RN, or the following E-mail address: shall@spl.usace.army.mil.

Availability of the Draft EIS: The Draft EIS is scheduled to be published and circulated in March 2002, and a public hearing to receive comments on the Draft EIS will be held after it is published.

Dated: March 23, 2001.

John P. Carroll,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–10013 Filed 4–23–01; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent to Prepare Draft Environmental Impact Statement for Operation and Maintenance of Lake Sidney Lanier, Georgia

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The Mobile District, U.S. Army Corps of Engineers (Corps) intends to prepare a Draft Environmental Impact Statement (EIS) to address the full range of activities performed by the Corps to operate and maintain Lake Sidney Lanier. Lake Lanier is located in the upper Chattahoochee River Basin north of Atlanta, Georgia. Buford Dam forms the 38,024-acre multiple purpose lake project, with 540 miles of shoreline and 18,131 acres of lands above the full power pool elevation of 1070. Authorized project purposes include hydroelectric power, flood control, water quality, water supply, fish and wildlife, navigation, and recreation. An EIS was prepared for the lake project in 1974. Although the project purposes under which Lake Lanier is operated and maintained have not changed since 1974, the overall environmental setting for Lake Lanier has experienced major modifications in response to the growth of the Atlanta metropolitan region. The new EIS is being prepared to evaluate the continued operation and maintenance of Lake Lanier in the context of the changed conditions.

ADDRESSES: District Engineer, U.S. Army Corps of Engineers, Mobile District, ATTN: CESAM–PD–E, P.O. Box 2288, Mobile, Alabama 36628–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Coffee, Environment and Resources Branch, telephone (334) 690–2729. Electronic mail may be addressed to: glendon.l.coffee@sam.usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. Background

Lake Lanier is located north of Atlanta, Georgia, a region that has been greatly impacted by the metropolitan area's rapid growth. The Project's appeal from both aesthetic and recreational aspects make it one of the most highly utilized Corps lakes in the country. Additionally, the limited amount of government-owned land surrounding the lake has created an attractive setting for area residents who want to live near the lake. These developments put increasing pressures on the lake's shoreline as adjacent landowners are permitted private boat docks and associated facilities. Further, commercial marinas operated as concessions on the lake are also operating at or near boat storage capacity, as are the numerous recreation areas surrounding the lake.

Even in the 1974 EIS, the trend for increasing development of neighboring private lands around the lake was recognized, along with the demands that would be placed on the lake's resources to accommodate the explosive population growth. In 1974, the Corps had issued permits for approximately 2,500 private docks. This number increased to around 6,500 docks at the time the last Shoreline Management Plan update was prepared in 1987. In 2000, the number of permits issued for private docks increased to 8,200. Based on the 9-year period ending in 2000, it is anticipated that approximately 175 new permits could be issued each year into the immediate future, with the potential number of permits eventually rising to 16,000. The growth trend of boat dock permits, concessions, and club sites could cover more than 250 miles (or 46%) of Lanier's public shoreline.

The combination of private boat docks, commercial marinas, and boat ramps contribute to the over 25,000 boats that can occur on Lake Lanier at any given time, even though all boats are not necessarily in use simultaneously. Peak boat usage occurs during the summer months, particularly the three principal summer holidays of Memorial Day, 4th of July, and Labor Day. A 1985 study indicated that project waters at that time were overused on occasion by 71%. Application of the same evaluation criteria to the current number of boats stored on Lake Lanier and the maximum use of available recreation facilities indicates the level of overuse has increased today to approximately 160%.

At the same time recreational use by the public is increasing, demands are also being placed on the lake's storage volume to meet the expanding water needs of the Apalachiocola-Chattahoochee-Flint (ACF) Basin and the neighboring Alabama-Coosa-Tallapoosa (ACT) Basin. The competition for water between the States of Alabama, Florida, and Georgia has intensified. A cooperative effort has been underway for several years between the three States and the Corps of Engineers to develop a water management strategy that would accommodate the interstate needs of these two basins from their respective headwaters to the Gulf of Mexico. While the water management strategy will eventually develop a Water Allocation Formula, the timeframe within which the agreement will be reached is uncertain and the scope of the formula has not been fixed. Once agreement is reached by the States on the new Water Allocation Formula, a comprehensive water management plan (and accompanying EIS) will be prepared to address reservoir operations in the ACF and ACT Basins. Since Lake Lanier is the uppermost reservoir in the ACT Basin, water allocations will certainly influence the manner in which Lake Lanier's water levels will be managed in the future. As a result, a new and separate EIS must be developed to evaluate the range of water management scenarios within which project operation and maintenance activities will be performed. It will not be the purpose of this Lake Lanier operation and maintenance EIS to evaluate the eventual water management plan for the Buford/Lake Lanier project. Instead, the EIS will focus on the entire range of project operation and maintenance actions performed within the lake and on government-owned lands surrounding the lake within the framework of varying lake levels that could result from implementation of a future Water Allocation Formula developed for the ACF Basin.

2. Proposed Action

The EIS will identify and evaluate the impacts on the environment of the proposed actions to operate and maintain Lake Lanier. Management actions within Lake Lanier will focus on shoreline management activities, recreation, fish and wildlife, timber management, real estate, and water quality, within the context of the larger water management scenarios that are conducted to accomplish the hydropower generation, navigation, and water supply project purposes.

3. Alternatives

a. No Action: No action would represent a continuation of the existing operation and management actions addressed in the original 1974 EIS.

b. The full range of alternatives to implement the operation and maintenance program at Lake Lanier to be addressed in the new EIS has not been identified. The alternatives will be developed during the early stages of work on the EIS and will include alternative methods of implementation for project operation and maintenance actions and project site alternatives as appropriate.

4. Scoping Process

The Corps invites full public participation in the development of the EIS to promote open communication and better decision-making. All persons and organizations that have an interest in the operation and maintenance of Lake Lanier, are urged to participate in this National Environmental Policy Act (NEPA) environmental analysis process. Public involvement will be most beneficial and worthwhile in identifying pertinent environmental issues, offering useful information such as published or unpublished data, direct personal experience or knowledge to inform decision-making, assistsance in designing the scope of operation and maintenance options that should be considered, and recommending suitable mitigation measures as warranted. Those wishing to contribute information, ideas, alternatives for actions, and so forth can furnish these contributions in writing to the points of contact identified above, or by attending public scoping opportunities.

Public comments are welcomed anytime throughout the NEPA process. Formal oppportunities for public participation include:

(1) Input provided at the formal scoping meeting that will be held in the vicinity of Lake Lanier—June 2001.

(2) Input provided via a variety of public involvement forums that will be conducted—June-July 2001.

(3) Review and comment on the draft EIS—July 2002.

(4) Comments/Presentation on the draft EIS—July 2002.

(5) Review of the Final EIS—October 2002.

Precise schedules and locations for public involvement activities will be announced in the local news media. You may also request to be included on the mailing list for public distribution of meeting announcements and documents.

Dated: April 12, 2001.

J. David Norwood,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–10011 Filed 4–23–01; 8:45 am]

BILLING CODE 3710–CR–M

DEPARTMENT OF DEFENSE

Department of the Army, Army Corps of Engineers

Grant of Exclusive Licenses

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.7(b)(1)(i), announcement is made of a prospective exclusive license of Russian Patent No. 2126867 titled ''Concrete Armor Unit to Protect Coastal and Hydraulic Structures and Shorelines.''

DATES: Written objections must be filed not later than June 25, 2001.

ADDRESSES: U.S. Army Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, Attn: CEWES–OC.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Stewart (601) 634–4113, e-mail stewarp@exl.wes.army.mil.

SUPPLEMENTARY INFORMATION: The Concrete Armor Unit was invented by Jeffrey A. Melby and George F. Turk. Rights to the patent application identified above has been assigned to the United States of America as represented by the Secretary of the Army. The United States of America as represented by the Secretary of the Army intends to grant an exclusive license for all fields of use, in the manufacture, use, and sale in the territories and possessions, including territorial waters of Russia to W.F. Baird and Associates, a Delaware corporation with principal offices at 2981 Yarmouth Greenway, Madison, Wisconsin 53711. Pursuant to 37 CFR 404.7(b)(1)(i), any interested party may file a written objection to this prospective exclusive license agreement.

Richard L. Frenette,

Counsel.

[FR Doc. 01–10012 Filed 4–23–01; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

[CFDA No: 84.349A]

Early Childhood Educator Professional Development Programs

AGENCY: U.S. Department of Education.

ACTION: Notice inviting applications for new awards and final procedures and requirements for a fiscal year (FY) 2001 competition for Early Childhood Educator Professional Development Program grants.

SUMMARY: The Secretary invites applications for new grant awards for FY 2001 for Early Childhood Educator Professional Development programs. These grants are authorized by the Department of Education Appropriations Act for 2001 under section 2102 of the Elementary and Secondary Education Act of 1965 (ESEA). The Secretary also announces final procedures and requirements to govern this competition and FY 2001 awards of these grants.

Purpose of Program

The purpose of Early Childhood Educator Professional Development Program grants is to provide replicable high-quality professional development programs to improve the knowledge and skills of early childhood educators who work in early childhood programs located in urban or rural high-poverty communities, and who serve primarily children from low-income families. These professional development programs must primarily provide research-based training that will improve early childhood pedagogy and will further children's language and literacy skills to prevent them from encountering reading difficulties when they enter school. These grants complement the President's early reading initiative, which will support local efforts to enhance the school readiness of young children, particularly those from low-income families, through scientifically based reading research that is designed to improve the verbal skills, phonological awareness, letter knowledge, pre-reading skills, and early language development of children ages three through five. The Department intends to disseminate information about these

professional development programs that prove to be effective models for practice to early childhood education programs.

Applications Available: April 24, 2001.

Deadline for Transmittal of Application: June 25, 2001.

Deadline for Intergovernmental Review: August 22, 2001.

Estimated Available Funds: $10,000,000.

Estimated Range of Awards (for entire project period): $600,000–$1,400,000.

Estimated Average Size of Awards (for entire project period): $1,000,000.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice. To provide applicants the capacity to effectively plan for and carry out the professional development and evaluation activities involved in these programs, the Secretary anticipates awarding the entire grant amount for the project at the time of the initial award.

Project Period: Up to 24 months.

SUPPLEMENTARY INFORMATION:

Background

Research demonstrates the strong relationship between high-quality educational experiences for children before kindergarten and their later success in school. The National Research Council report, *Preventing Reading Difficulties in Young Children* (1998), concludes that the majority of reading problems faced by today's adolescents and adults could have been avoided or resolved in the early years of childhood. The *Cost, Quality and Child Outcomes* report (June 1999), partially funded by the Department, concludes that children's cognitive and social competence in the second grade can be predicted by the experiences that they had four years previously in child care, even after taking into account kindergarten and first grade classroom experiences. The report also found that children who have traditionally been at risk for not doing well in school are more affected by the quality of child care experiences than are other children.

Research-based professional development is a critical element for implementing a high-quality early childhood program. The National Research Council (NRC) report *Eager to Learn* (2000) concluded that the professional development of teachers is related to the quality of early childhood education programs, and that program quality predicts positive learning outcomes for children. In fact, the report emphasizes that a responsive teacher is key to young children's success in school, and a substantial investment in the education and training of those who will work with young children is at the heart of any effort to promote high-quality early childhood education programs. Research shows that many early childhood providers have little formal education beyond high school and that preschool and other group care settings for young children (in particular, those available to families with limited economic resources) often provide relatively impoverished language and literacy environments. In addition, many early childhood educators do not have access to high-quality, research-based professional development. Accordingly, these grants will provide replicable high-quality professional development programs for early childhood educators that are based upon scientifically based reading research and that the Department will be able to use in disseminating information to help fill this professional development gap.

These Early Childhood Educator Professional Development Program grants will concentrate on funding projects that provide, and use rigorous methodologies to evaluate the effectiveness of, high-quality, research-based professional development opportunities. These grants will improve the knowledge and skills of early childhood educators who work in urban and rural communities with high concentrations of young children living in poverty, in programs such as Title I preschools and schoolwide programs, Head Start, Even Start Family Literacy programs, and publicly funded or subsidized child care.

Eligible Applicants: One or more institutions of higher education, State agencies for higher education, local educational agencies, educational service agencies, State educational agencies, and other public and private agencies, organizations, and institutions such as child care consortiums, and Head Start programs.

Note: NOTE: Under 34 CFR 75.127–75.129, eligible parties may apply as a group for a grant under this program.

Definitions: For the purposes of this notice and grant competition, the Secretary considers the following terms to have the following meanings:

(1) The term ''early childhood educator'' means any person who is involved in the education and care of children at any age from birth through pre-kindergarten, including volunteers as well as paid staff.

(2) The term ''high-poverty community'' means an urban or rural community with a high concentration of young children living in poverty. The Secretary considers a community to have a high concentration of young children living in poverty if it is a municipality, or portion of a municipality, in which at least 50 percent of children are from low-income families or a municipality that is one of the 10 percent of municipalities within its State having the greatest numbers of those children.

(3) The term ''low-performing school'' means a school identified for improvement under section 1116(c) of the Elementary and Secondary Education Act of 1965, as amended.

(4) The term ''scientifically based reading research'' consistent with the meaning given that term in section 2252(5) of the Reading Excellence Act—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

(B) shall include research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Indirect Costs: For purposes of indirect costs that may be charged to the Early Childhood Educator Professional Development Program grants, the Secretary considers all funded projects to be *educational training grants* within the meaning of 34 CFR 75.562(a). Therefore, consistent with 34 CFR 75.562, except for costs that may be incurred by State agencies or agencies of local governments, such as local educational agencies, a recipient's indirect cost rate is limited to the *maximum of eight percent or the amount permitted by its negotiated indirect cost rate agreement, whichever is less.*

Applicability of Regulations: The following provisions of the Education Department General Administrative Regulations (EDGAR) contained in Title 34 of the Code of Federal Regulations (CFR) apply to these Early Childhood Educator Professional Development Program grants: 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

Waiver of Proposed Rulemaking: It is the Secretary's practice, in accordance with the Administrative Procedures Act

(5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed priorities that are not taken directly from statute. Ordinarily, this practice would have applied to the absolute priority and competitive preference in this notice. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, exempts from this requirement rules that apply to the first competition under a new or substantially revised program. The Secretary, in accordance with section 437(d)(1) of GEPA, has decided to forego public comment with respect to the absolute priority and competitive preferences in this grant competition in order to ensure timely awards. The absolute priority and competitive preferences will apply only to the FY 2001 grant competition.

Priorities

Absolute Priority: Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to any eligible applicant that meets all of the following criteria:

(1) The applicant (or at least one party in a group application) currently is a professional development provider for early childhood educators;

(2) The applicant proposes with these grant funds to provide high-quality, research-based professional development that is for early childhood educators who work in early childhood programs in high-poverty communities serving primarily children from low-income families, and that focuses on training to improve early childhood pedagogy and further children's language and literacy competencies to prevent them from encountering reading difficulties once they enter school; *and*

(3) The applicant includes in its proposal specific goals, objectives, and indicators that measure the extent to which the program results in an increase in participants' knowledge and skills, the extent to which participants apply their increased knowledge and skills in early childhood learning and care environments, the extent to which the program results in developing children's readiness for school and language and literacy competencies, and the extent to which the program is replicable in multiple early childhood programs staffed by educators serving disadvantaged children.

Note: NOTE: Following is an example of the type of performance goal, objective, and indicators for these grants that a high-quality application might include:

Performance goal: To promote school readiness and better reading outcomes for young children, aged birth through pre-kindergarten, living in high-poverty areas through high-quality, research-based professional development.

Performance Objective: To improve the knowledge and skills of early childhood educators working in high-poverty communities to enable them to further children's language and literacy competencies and readiness for school.

Indicator #1: Increasing percentages of classrooms staffed by early childhood educators who participated in professional development made available through this grant will show an improvement in the literacy environment.

Indicator #2: Increasing percentages of early childhood educators will demonstrate knowledge and understanding of effective, research-based approaches to school readiness, language and literacy development, and early childhood pedagogy.

Indicator #3: Increasing percentages of children participating in early childhood education programs staffed by educators who participated in professional development provided by this grant will demonstrate age-appropriate language and literacy competencies and readiness for school.)

Under 34 CFR 75.105(c)(3), the Secretary will fund under this competition only applicants that meet this absolute priority.

Competitive Preferences: Under 34 CFR 75.105(c)(2), the Secretary gives three separate competitive preferences to applications as follows:

Competitive Preference 1—Group Applications

Group applications that have, in addition to the professional development provider required in the absolute priority, one or more eligible applicants that operates or administers an early childhood program that is located in a high-poverty community and serves primarily children from low-income families, such as a local educational agency with a Title I pre-school or schoolwide program, a Head Start agency, a State or local agency administering programs funded under the Child Care and Development Fund, an entity operating an Even Start Family Literacy program, a State educational agency, or a State human services agency.

An application that meets this first competitive preference would receive *10 points* in the competition. These points are in addition to any points the applicant earns under the selection criteria and any other competitive preference.

Competitive Preference 2—Research-based Training in Specific Areas

Applications that, in addition to meeting the absolute priority, provide comprehensive research-based training for each participating early childhood educator that incorporates all of the following areas:

(a) Child, language, and literacy development and early childhood pedagogy;

(b) Working with parents and families to prepare their young children to succeed in school;

(c) Working with children who have limited English proficiency; and

(d) Identifying and working with children with disabilities and other special needs.

An application that meets this second competitive preference would receive *10 points* in the competition. These points are in addition to any points the applicant earns under the selection criteria or any other competitive preference.

Competitive Preference 3—Communities with High Concentrations of Children with Limited English Proficiency

Applicants that meet the absolute priority and target professional development services for early childhood educators who work in early childhood education programs that serve high-poverty communities with concentrations of children who have limited English proficiency.

An application that meets this third competitive preference would receive *10 points* in the competition. These points are in addition to any points the applicant earns under the selection criteria or any other competitive preference.

Invitational Priorities: The Secretary is particularly interested in receiving applications that propose to do one or both of the following:

Invitational Priority 1—Strategy for Improving Low-Performing Schools

Applications that target professional development services on early childhood educators who work in early childhood education programs with children who will enter low-performing schools and that describe and demonstrate that improved early childhood education is part of a more comprehensive strategy for improving those low-performing schools.

Invitational Priority 2—Training That Results in College Credit and/or Leads to Certification

Applications that propose to provide early childhood professional

development that results in college credit, or leads to a degree, credential, or certification in early childhood education, or both.

An application that meets either of these invitational priorities receives no competitive or absolute preference over applications that do not meet the priority.

Selection Criteria: The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under this competition. The maximum score for all of these selection criteria is *100 points.* The maximum score for each criterion is indicated in parenthesis with the criterion. The criterion, and the factors within each criterion, are as follows:

(a) *Need for project* (15 points). (1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers one or more of the following factors:

(i) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(ii) The extent to which specific gaps or weakness in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will include a description of the high-poverty community to be served by the project, including relevant demographic and socioeconomic information.

(b) *Significance* (10 points). (1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers one or more of the following factors:

(i) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will propose a professional development program that will be large enough in scope to serve a significant number of early childhood educators, while being balanced with professional development that is of sufficient quality, intensity, and duration to ensure improvements in practice among educators receiving those services. The Secretary anticipates that high-quality applications also likely will include specific information on how many early childhood educators the application proposes to serve, and how many early childhood programs the applicant anticipates will be directly enhanced by improvements in practice among educators receiving the professional development services.

(c) *Quality of the project design* (15 points).

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers one or more of the following factors:

(i) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(ii) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievements of project objectives.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will include information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other professional development provider that is the applicant or party in a group application for the grant.

(iii) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will include information on how the project will coordinate with and build on, and will not supplant or duplicate, other high-quality early childhood educator professional development activities that exist in the community.

(d) *Quality of project services* (20 points). (1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers one or more of the following factors:

(i) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(ii) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will include the results of the assessment that the applicant has undertaken to determine the most critical professional development needs of the early childhood educators to be served by the project and in the broader community, and a description of how the proposed project will address those needs.

(e) *Quality of project personnel* (5 points). (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have been traditionally underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factor:

(i) The qualifications, including relevant training and experience, of key project personnel.

(f) *Adequacy of resources* (10 points). (1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy for the proposed project, the Secretary considers one or more of the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

Note: The Secretary generally considers ''partner'' in this context to mean parties in a group application that are not the lead applicant organization, *and* other relevant agencies, organizations, and institutions.

(iii) The potential for continued support of the project after Federal funding ends, including, as appropriate,

the demonstrated commitment of appropriate entities to such support.

(g) *Quality of the management plan* (15 points).

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(iii) The extent to which the time commitments of the project director and principal investigator and key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(h) *Quality of proposed evaluation* (10 points).

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factor:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

Note: Applicants may address this criterion and factor in any way that they choose. The Secretary believes, however, that high-quality applications likely will describe how the proposed methods of evaluation specifically are linked to each of the project's performance goals, objectives, and indicators, and will include the use of rigorous methodologies with assessments that are reliable and valid for the purposes intended.

Paperwork Reduction Act Considerations: The procedures and requirements contained in this notice relate to an application package that the Department has developed for the Early Childhood Educator Professional Development Program grants. The public may obtain copies of this application package by calling or writing the individual identified below as the Department's contact, or through the Department's Web site at: *www.ed.gov/GrantApps/#84.349A.*

As required by the Paperwork Reduction Act, the Office of Management and Budget has approved the use of this application package under OMB control number 1810–0633, which expires July 31, 2001.

For Applications and Further Information Contact: Doris F. Sligh, Compensatory Education Programs, Office of Elementary and Secondary Education, 400 Maryland Avenue SW, Washington, DC 20202–6132. Telephone: (202) 260–0999, or via Internet: Doris_Sligh@ed.gov.

The application package also is available on the Department's Web site at the address indicated above.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

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To use the PDF, you must have Adobe Acrobat Reader, which is available free at that site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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Program Authority: 20 U.S.C. 6622 and Public Law No. 106–554.

Dated: April 18, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–10049 Filed 4–23–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Education.

ACTION: Notice of computer matching between the Department of Education and the Department of Veterans Affairs.

SUMMARY: Pursuant to the Computer Matching and Privacy Protection Act of 1988, Pub. L. 100–503, and the Office of Management and Budget (OMB) Final Guidelines on the Conduct of Matching Programs, notice is hereby given of the computer matching program between the Department of Education (ED) (the source agency) and the Department of Veterans Affairs (VA) (the recipient agency). The following notice represents the approval of a new computer matching agreement by the ED and VA Data Integrity Boards to implement the matching program on the effective date as indicated below.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, OMB Final Guidelines on the Conduct of Matching Programs (see 54 FR 25818, June 19, 1989), OMB Memorandum M–01–05 (December 20, 2000),and OMB Circular A–130, the following information is provided:

1. Names of Participating Agencies

The U.S. Department of Education and the Department of Veterans Affairs.

2. Purpose of the Match

The purpose of this matching program between ED and VA is to verify the status of applicants for financial assistance under Title IV of the Higher Education Act of 1965, as amended (HEA) who claim to be veterans.

The Secretary of Education is authorized by the HEA to administer the Title IV programs and to enforce the terms and conditions of the HEA. The Secretary has the authority to treat applicants who are veterans as independent students. Independent students do not have to provide parental income and asset information to apply for Title IV, HEA program assistance.

Section 480(c) of the HEA defines the term ''veteran'' to mean any individual who (a) has engaged in the active duty in the United States Army, Navy, Air Force, Marines, or Coast Guard; and (b) was released under a condition other than dishonorable. Section 480(d)(3) of the HEA enables an applicant who is determined to be a veteran (as defined in subsection (c)(1)) to meet the definition of an independent student for purposes of Title IV, HEA program assistance eligibility.

3. Legal Authority for Conducting the Matching Program

Section 480(c) and (d)(3) of the HEA.

4. Categories of Records and Individuals Covered by the Match

ED will provide the Social Security Number and other identifying information of each applicant who indicates that he or she is a veteran. This information will be extracted from the Federal Student Aid Application File systems of records (18–11–01). The ED data will be matched against the Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA23).

5. Effective Dates of the Matching Program

The matching program will become effective 40 days after a copy of the agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and OMB, (or later if OMB objects to some or all of the agreement), or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program or obtain additional information about the program, including requesting a copy of the computer matching agreement between ED and VA, should contact Ms. Edith Bell, Management and Program Analyst, U.S. Department of Education, Room 4621, ROB–3, 400 Maryland Avenue, SW, Washington, DC 20202–5400. Telephone: (202) 708–5591. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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To use PDF you must have the Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498, or in the Washington, DC area at (202) 512–1530.

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Dated: April 18, 2001.

Greg Woods,

Chief Operating Officer, Student Financial Assistance.

[FR Doc. 01–10111 Filed 4–23–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho. Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 15, 2001, 8 a.m.–6 p.m.; Wednesday, May 16, 2001, 8 a.m.–5 p.m.

Public participation sessions will be held on: Tuesday, May 15, 2001, 12:15–12:30 p.m, 5:45–6 p.m.; Wednesday, May 16, 2001, 11:45–12 noon, 4–4:15 p.m.

These times are subject to change as the meeting progresses. Please check with the meeting facilitator to confirm these times.

ADDRESSES: Holiday Inn, 1399 Bench Road, Pocatello, Idaho 83201, (208) 237–1400.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy Lowe, Idaho National Engineering and Environmental Laboratory (INEEL) Citizens' Advisory Board (CAB) Facilitator, Jason Associates Corporation, 477 Shoup Avenue, Suite 205, Idaho Falls, ID 83402, Phone (208) 522–1662 or visit the Board's Internet home page at *http://www.ida.net/users/cab*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the INEEL.

Tentative Agenda: (Agenda topics may change up to the day of the meeting. Please contact Jason Associates for the most current agenda or visit the CAB's Internet site at *www.ida.net/users/cab).*

Presentations on the following:

- Workforce Restructuring Plan
- Clean Air Act permitting at the INEEL
- Clean Water Act permitting at the INEEL
- Nuclear Regulatory Commission licensing at the INEEL
- Six of the major components of the EM Program for consideration in development of a recommendation on budget priorities within limited funding levels

Status Report on the following:

- National Environmental Policy Act (NEPA)

Discussion of the following:

- April Snowbird Forum discussion regarding stakeholder Forum to be held later this year

Public Participation: This meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Jerry Bowman, Assistant Manager for Laboratory Development, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments. Additional time may be made available for public comment during the presentations.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Minutes will also be available by writing to Ms. Wendy Lowe, INEEL CAB Facilitator, Jason Associates Corporation, 477 Shoup Avenue, Suite 205, Idaho Falls, ID 83402 or by calling (208) 522–1662.

Issued at Washington, DC on April 18, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–10072 Filed 4–23–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 22, 2001, 1 p.m.–5 p.m.

ADDRESSES: Carson County Squarehouse Museum, Fifth and Elsie Streets, Panhandle, Carson County, TX 79068.

FOR FURTHER INFORMATION CONTACT: Jerry S. Johnson, Assistant Area Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120; phone (806) 477–3125; fax (806) 477–5896 or e-mail *jjohnson@pantex.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

1:00 Agenda Review/Approval of Minutes
1:15 Co-Chair Comments
1:30 Task Force/Subcommittee Reports
2:00 Ex-Officio Reports
2:15 Break
2:30 Updates-Occurrence Reports-DOE
3:00 Presentation (To Be Announced)/ 24 hour information line: (806) 372–1945
4:00 Questions
Public Question/Comments
5:00 Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jerry Johnson's office at the address or telephone number listed above. Requests must be received five days prior to the meeting and every reasonable provision will be made to accommodate the request in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX; phone (806) 371–5400. Hours of operation are from 7:45 a.m. to 10 p.m. Monday through Thursday; 7:45 a.m. to 5 p.m. on Friday; 8:30 a.m. to 12 noon on Saturday; and 2 p.m. to 6 p.m. on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX: phone (806) 537–3742. Hours of operation are from 9 a.m. to 7 p.m. on Monday; 9 a.m. to 5 p.m. Tuesday through Friday; and closed Saturday and Sunday as well as Federal holidays. Minutes will also be available by writing or calling Jerry S. Johnson at the address or telephone number listed above.

Issued at Washington, DC on April 18, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–10073 Filed 4–23–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 15, 2001, 9 a.m. to 6 p.m.; Wednesday, May 16, 2001, 8:30 a.m. to 12 p.m.

ADDRESSES: Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Albert L. Opdenaker, Office of Fusion Energy Sciences, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290; Telephone: 301–903–4927.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The major purpose of this meeting is for the full committee to hear a final report from its Theory Program review subpanel and a report from its Proof-of-Principle subpanel dealing with Compact Stellarators.

Tentative Agenda

Tuesday, May 15, 2001

- FY 2002 Budget—Office of Science Perspective
- OFES FY 2002 Budget Request
- Discussion of FESAC Response to NRC report recommendations
- Report on NCSX Physics Review
- Report on QOS Physics Review
- Discussion

Wednesday, May 16, 2001

- Final Report from Theory Review Subpanel
- Public Comments
- Discussion

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Albert L. Opdenaker at 301–903–8584 (fax) or albert.opdenaker@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the Freedom of Information Public Reading Room, IE–190, Forrestal Building; 1000 Independence Avenue, SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 18, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–10071 Filed 4–23–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1554–000]

Alliant Energy Corporate Services, Inc.; Notice of Filing

April 18, 2001.

Take notice that on March 15, 2001, Alliant Energy Corporate Services, Inc. (Alliant Energy Corporate Services)

tendered for filing executed Service Agreements with Axia Energy, LP establishing as a Short-Term Firm and Non-Firm Point-to-Point Transmission Customer under the terms of the Alliant Energy Corporate Services transmission tariff. On April 12, 2001, Alliant Energy Corporate Services filed an amendment to page 3 of 5 in the Form of Service Agreement for Short-Term Firm Point-to-Point transmission Service where the title appears ''Specifications for Short-Term Firm Point-to-Point Transmission Service.'' Alliant Energy Corporate Services and Axia Energy, LP have agreed to amend the title to read ''Specifications for Short-Term Firm Point-to-Point Transmission Service'' to reflect the actual service that the parties may transact under the service agreement.

Alliant Energy Corporate Services requests an effective date of March 6, 2001.

Copies of these filings have been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before April 25, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10031 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–401–001]

AltaGas Facilities (U.S.) Inc. Suprex Energy Corporation; Notice of Application To Amend Natural Gas Act Section 3 Authorization and Issue a Presidential Permit

April 18, 2001.

Take notice that on April 12, 2001, AltaGas Facilities (U.S.) Inc. (AltaGas) 355–4th Avenue SW., Suite 1700, Calgary, Alberta, T2P 0J1; and Superx Energy Corporation, (Suprex Energy) 435–4th Avenue SW., Suite 450, Calgary, Alberta, T2P 3A8, filed an application in Docket No. CP00–401–001 seeking a new Presidential Permit, pursuant to Executive Orders Nos. 10485 and 12038, and an amended Natural Gas Act Section 3 authorization. These requests are pursuant to Part 153 of the Commission's Regulations, particularly Section 153.9(b), all as more fully described in the joint application. The details of joint application are set forth in the filing, which is on file with the Commission and open to public inspection. The text of this application may also be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for help). Any initial questions regarding the application should be directed to Nello W. Marano, President of Suprex Energy, at the above address or by phone at (403) 294–1454.

On October 27, 2000, Suprex Energy was authorized by the Commission in Docket No. CP00–401–000 to site, construct, operate, maintain, and connect pipeline facilities at the International Boundary between the United States and Canada in Toole County, Montana. AltaGas now requests that Suprex Energy's Presidential Permit and Section 3 authority, as described in the Commission's October 27, 2000 Order, be transferred to it. The design and location of the facilities would still be as previously approved; the 30 foot border crossing section of a new 6-inch diameter natural gas gathering pipeline in Toole County, Montana. The purpose of the facilities would still be for the importing unprocessed natural gas into the United States from Canada. AltaGas and Suprex Energy say that AltaGas's requests to have these authorizations transferred to it is an involuntary transfer which is the result of Suprex Energy's debt reduction plans, as approved and required by Canadian court action.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 or 385.214, and the Commission's Regulations under the Natural Gas Act, 18 CFR 157.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules of Practice and Procedure. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 3 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Coral Mexico to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–10043 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–1257–000, ER01–1258–000, and ER01–1259–000]

Bridgeport Harbor Power LLC; New Haven Harbor Power LLC; NRG Connecticut Power Assets LLC; Notice of Filing

April 18, 2001.

Take notice that on April 11, 2001, Bridgeport Harbor Power LLC (BHP) and New Haven Harbor Power LLC (NHHP), pursuant to Rule 205 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.205, and part 35 of the Commission's regulations under the Federal Power Act (FPA), 18 CFR part 35, tendered a withdrawal of their respective (1) proposed market-based FERC Electric Rate Schedules No. 1 and (2) requests for a (a) blanket authority to market-based wholesale sales of capacity and energy under their rate schedules, (b) authority to sell ancillary services at market-based rates, and (c) waivers and blanket authorizations the Commission has granted to other nonfranchised entities with market-based rate authorization. NRG Connecticut Power Assets LLC (NRG Connecticut), which was a party to the joint application with BHP and NHHP, still seeks acceptance of its FERC Electric Rate Schedule No. 1 and authority to make wholesale sales of capacity, energy, and ancillary services at market-based rates and, as such, amended its request to reflect the withdrawals of BHP and NHHP.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi.doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10033 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–65–000]

Californians for Renewable Energy, Inc. (CARE) Complainant v. BC Hydro; PowerEx; Mirant; and the Los Angeles Department of Water and Power Respondents; Notice of Complaint

April 18, 2001.

Take notice that on April 16, 2001, Californians for Renewable Energy, Inc. (CARE) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Complaint pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206.

CARE requests the Commission to rectify unjust and unreasonable prices stemming from the wholesale markets for energy and ancillary services operated by the California Independent System Operator (CAISO) and investigate its relationship to market practices by BC Hydro, PowerEx, Mirant, and Bonneville Power Administration and the Los Angeles Department of Water and Power.

CARE alleges that BC Hydro, PowerEx, Mirant, the Bonneville Power Administration and the Los Angeles Department of Water and Power violated the Federal Power Act by withholding power during a period of peak demand to create a shortage and raise the price. CARE requests the Commission to investigate possible market manipulation by these entities, order refunds for overcharges made by these entities, and restore financial confidence in the California market by assuming full control of this market on the wholesale and retail side.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before May 8, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims/htm* (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before May 8, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–10032 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP–00–500–002]

Chandeleur Pipe Line Co.; Notice of Negotiated Rate

April 18, 2001.

Take notice that on April 10, 2001, Chandeleur Pipe Line Company (Chandeleur) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to become effective April 1, 2001.

First Revised Sheet No. 73

Chandeleur states that the purpose of this filing is to implement specific negotiated rate transactions as provided for by the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Chandeleur Pipe Line Company further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10035 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG00–6–008]

Dominion Transmission, Inc.; Notice of Filing

April 18, 2001.

Dominion Transmission, Inc. filed a supplement to its January 23, 2001 revised standards of conduct that responded to the Commission's December 15, 2000 Order. 93 FERC ¶ 61,284 (2000).

Dominion Transmission, Inc. states that it sent copies of its filing to all parties on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before May 3, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10039 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–07–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–376–000]

Portland Natural Gas Transmission System; Notice of Compliance Filing

April 18, 2001.

Take notice that on April 12, 2001 Portland Natural Gas Transmission System (PNGTS), tendered for filing as part of its FERC Gas Tariff First, Revised Volume No. 1, the following tariff sheets, to be effective May 1, 2001:

Second Revised Sheet No. 345
Second Revised Sheet No. 380

PNGTS states that the purpose of this filing is to comply with Order No. 587–M, issued by the Commission on November 30, 2000. The revised tariff sheets reflect certain Version 1.4 standards promulgated by the Gas Industry Standards Board which were adopted by the Commission and incorporated by reference in the Commission's Regulations.

PNGTS states that copies of the filing were mailed to all affected customers of PNGTS and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.is/online/rims.htm* (call 202–208–2222 for assistance. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10036 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–513–007]

Questar Pipeline Company; Notice of Negotiated Rate

April 18, 2001.

Take notice that on April 13, 2001, Questar Pipeline Company's (Questar) tendered for filing a tariff filing to implement a negotiated-rate contract as authorized by Commission orders issued October 27, 1999, and December 14, 1999, in Docket Nos. RP99–513, et al. The Commission approved Questar's request to implement a negotiated-rate option for Rate Schedules T–1, NNT, T–2, PKS, FSS and ISS shippers. Questar submitted its negotiated-rate filing in accordance with the Commission's Policy Statement in Docket Nos. RM95–6–000 and RM 96–7–000 (Policy Statement) issued January 31, 1996.

Questar submitted this filing to report an amended negotiated-rate contract with Phillips Gas Marketing Company (Phillips) (previously River Gas Corporation). After entering into a negotiated-rate contract with Questar, Phillips subsequently permanently released a portion of its capacity to Texaco Natural Gas, Inc. under Questar's Rate Schedule T–1. The Regulatory Department responsible for reporting negotiated-rate contracts to the Commission only recently became aware of this release and, therefore, is late in reflecting this information in its tariff. Due to this inadvertent reporting error, Questar requested waiver of 18 CFR 154.207 so that the tendered tariff sheet may become effective August 1, 2000.

Questar states that a copy of this filing has been served upon Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10034 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1663–001]

Sierra Southwest Cooperative Services, Inc.; Notice of Filing

April 18, 2001.

Take notice that on April 13, 2001, Sierra Southwest Cooperative Services, Inc., submitted for filing an errata to the above-referenced filing involving a rate schedule for the wholesale sale of electric energy and capacity at market-based rates and a Resource Integration Agreement.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10040 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–62–001]

Sierra Southwest Electric Power Cooperative Services, Inc.; Notice of Filing

April 18, 2001.

Take notice that on April 13, 2001, Sierra Southwest Cooperative Services, Inc., submitted an errata to its above-captioned request for determination as to the non-jurisdictional status of certain activities.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10041 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ01–3–001]

Southwest Transmission Cooperative, Inc., Notice of Filing

April 18, 2001.

Take notice that on April 13, 2001, Southwest Transmission Cooperative, Inc., submitted an errata for its above-captioned filing, originally captioned for Southwest Transmission Electric Power Cooperative, Inc., for its open access transmission tariff and standards of conduct and/or request for waivers under Order Nos. 888 and/or 889.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10038 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–251–001]

TransColorado Gas Transmission Company; Notice of Compliance Filing

April 18, 2001.

Take notice that on April 12, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff,

Original Volume No. 1, the following tariff sheets, to be effective April 1, 2001:

Substitute Sixth Revised Sheet No. 247
Substitute Second Revised Sheet No. 247A
Original Sheet No. 247B

TransColorado states that the filing is being made in compliance with the Commission's March 28, 2001, ordered in Docket No. RP01–251–000.

On March 28, 2001, the Commission issued an order in Docket No. RP01–251–000 approving TransColorado's annual Fuel Gas Reimbursement Percentage report for filing and accepting tariff sheets to be effective April 1, 2001, subject to TransColorado filing modifications to clarify that TransColorado will be at risk for lost and unaccounted-for gas properly allocable to pre-March 31, 2001, shippers on TransColorado's Phase I facilities. In addition, a section reference was corrected. TransColorado stated that this filing reflects the modifications required by the Commission's order.

TransColorado states that a copy of this filing has been served upon TransColorado's customers, the Colorado Public Utilities Commission and New Mexico Public Utilities Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10044 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regualtory Commission

[Docket No. RP01–375–000]

Vector Pipeline L.P.; Notice of Tariff Filing

April 18, 2001.

Take notice that on April 12, 2001, Vector Pipeline L.P. (Vector) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of April 12, 2001, for the disclosure of a recently completed negotiated rate transaction with Northern Indiana Public Service Company:

First Revised Sheet No. 172

Vector states that copies of its letter of transmittal and enclosures have been served upon Vector's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–10042 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–325–002, et al.]

Southern Company Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 17, 2001.

Take notice that the following filings have been made with the Commission:

1. Southern Company Services, Inc.

[Docket No. ER00–325–002]

Take notice that on April 12, 2001, Southern Company Services, Inc. (SCS), by and on behalf of Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company and Savannah Electric and Power Company, tendered for filing original tariff sheets under Southern Operating Companies' FERC Rate Schedule No. 66 compliant with the formatting requirements of Commission Order No. 614, as needed to implement revised procedures for recovery of emission allowance costs in the above-stated docket.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Southern Company Services, Inc.

[Docket No. ER00–325–003]

Take notice that on April 12, 2001, Southern Company Services, Inc. (SCS), by and on behalf of Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company and Savannah Electric and Power Company, tendered for filing original tariff sheets under Southern Operating Companies' FERC Tariff No. 67 compliant with the formatting requirements of Commission Order No. 614, as needed to implement revised procedures for recovery of emission allowance costs in the above-stated docket.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Southern Company Services, Inc.

[Docket No. ER00–325–004]

Take notice that on April 12, 2001, Southern Company Services, Inc. (SCS), by and on behalf of Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company and Savannah Electric and Power Company, tendered for filing original tariff sheets under Southern Operating Companies' FERC Rate Schedule No. 68 compliant with the

formatting requirements of Commission Order No. 614, as needed to implement revised procedures for recovery of emission allowance costs in the above-stated docket.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Enron Sandhill Limited Partnership

[Docket No. ER01–1166–001]

Take notice that on April 12, 2001, Enron Sandhill Limited Partnership (ESLP) tendered for filing its FERC Electric Tariff, Original Volume No. 1 and accompanying Code of Conduct in compliance with the Commission's March 29, 2001, Order in the above-referenced docket.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Alliant Energy Corporate Services, Inc.

[Docket No. ER01–1554–001]

Take notice that on April 12, 2001, Alliant Energy Corporate Services, Inc. tendered for filing an amendment in Docket No. ER01–1554–001 concerning an executed Service Agreement with Axia Energy, LP for Short-Term Firm Point-to-Point Transmission Service.

Alliant Energy Corporate Services, Inc. renews its request for an effective date of March 6, 2001, and accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Nevada Power Company

[Docket No. ER01–1589–001]

Take notice that on April 12, 2001, Nevada Power Company (Nevada Power) tendered for filing revised tariff sheets in the above-referenced proceeding. Nevada Power states that these revised tariff sheets are intended to correct inadvertent errors in the March 21, 2001 filing that initiated this docket.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–1778–001]

Take notice that on April 12, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) tendered for filing Service Agreement No. 111 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of March 16, 2001 for Allegheny Energy Global Markets, LLC.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Sierra Pacific Power Company

[Docket No. ER01–1779–000]

Take notice that on April 12, 2001, Sierra Pacific Power Company (Sierra) tendered for filing Service Agreements (Service Agreements) with the following entities for Non-Firm and Short-Term Firm Point-to-Point Transmission Service under Sierra Pacific Resources Operating Companies FERC Electric Tariff, First Revised Volume No. 1, Open Access Transmission Tariff (Tariff):

1. BPA, Power Business Line
2. Sempra Energy Resources
3. City of Burbank
4. Axia Energy, LP

Sierra is filing the executed Service Agreements with the Commission in compliance with Sections 13.4 and 14.4 of the Tariff and applicable Commission regulations. Sierra also submitted revised Sheet Nos. 195 and 196 and Original Sheet No. 195A (Attachment E) to the Tariff, which is an updated list of all current subscribers. Sierra requests waiver of the Commission's notice requirements to permit and effective date of April 13, 2001 for the Attachment E, and to allow the Service Agreements to become effective according to their terms.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Ameren Services Company

[Docket No. ER01–1780–000]

Take notice that on April 12, 2001, Ameren Services Company (ASC) tendered for filing an Illinois Retail Network Integration Transmission Service Agreement and Illinois Retail Network Operating Agreement between ASC and Edgar Electric Cooperative Association d/b/a EnerStar Power Corp. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to unbundled Illinois retail customers of EnerStar Power Corp. pursuant to Ameren's Open Access Tariff.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. American Electric Power Service Corporation

[Docket No. ER01–1781–000]

Take notice that on April 12, 2001, Indiana Michigan Power Company tendered for filing a letter agreement with Mirant Sugar Creek, LLC.

AEP requests an effective date of June 11, 2001. Copies of Indiana Michigan Power Company's filing have been served upon the Indiana Public Service Commission and Michigan Public Service Commission.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. American Electric Power Service Corporation

[Docket No. ER01–1783–000]

Take notice that on April 12, 2001, Ohio Power Company tendered for filing a letter agreement with Rolling Hills Generating, LLC.

AEP requests an effective date of June 11, 2001. Copies of Ohio Power Company's filing have been served upon the Public Utilities Commission of Ohio.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Fountain Valley Power, L.L.C.

[Docket No. ER01–1784–000]

Take notice that on April 12, 2001, Fountain Valley Power, LLC, tendered for filing an initial rate schedule to sell power at market-based rates and a long-term service agreement with Public Service Company of Colorado under said rate schedule.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Southern California Edison Company

[Docket No. ER01–1785–000]

Take notice that on April 12, 2001, Southern California Edison Company (SCE) tendered for filing a Service Agreement for Wholesale Distribution

Service under SCE's Wholesale Distribution Access Tariff and an Interconnection Facilities Agreement (Agreements) between SCE and Point Arguello Pipeline Company (PAPCO).

These Agreements specify the terms and conditions under which SCE will interconnect PAPCO's generating facility to its electrical system and provide Distribution Service for up to 16.5 MW of power produced by the generating facility.

Copies of this filing were served upon the Public Utilities Commission of the State of California and PAPCO.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Ameren Services Company

[Docket No. ER01–1786–000]

Take notice that on April 12, 2001, Ameren Services Company, as agent for Union Electric Company (d/b/a AmerenUE) and Central Illinois Public Service Company (d/b/a AmerenCIPS), tendered for filing changes to the Ameren Operating Companies' Open Access Transmission Tariff.

Copies of this filing were served on the Missouri Public Service Commission and the Illinois Commerce Commission.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Progress Energy, Inc. on behalf of Carolina Power & Light Company and Florida Power Corporation

[Docket No. ER01–1787–000]

Take notice that on April 12, 2001, Carolina Power & Light Company (CP&L) and Florida Power Corporation (FPC) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Engage Energy America LLC. Service to this Eligible Customer will be in accordance with the terms and conditions of the Joint Open Access Transmission Tariff filed on behalf of CP&L and FPC.

CP&L and FPC are requesting an effective date of April 1, 2001 for the Service Agreements.

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission and the Florida Public Service Commission.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. San Diego Gas & Electric Company

[Docket No. ER01–1797–000]

Take notice that on April 12, 2001, San Diego Gas & Electric Company (SDG&E) tendered for filing as service agreements to its FERC Electric Tariff, First Revised Volume No. 6, two interconnection agreements. Both agreements relate to the interconnection of a new generation plant to be owned by RAMCO, Inc. (RAMCO). The plant, with a capacity of approximately 49 megawatts, is being constructed on an expedited basis to meet potential shortfalls this summer in the Western states' electricity supplies. It will be located in San Diego County, California and is expected to being service on May 1, 2001.

Service Agreement No. 3 is an Expedited Interconnection Facilities Agreement dated April 12, 2001 between SDG&E and RAMCO, under which SDG&E will construct, operate, and maintain the proposed interconnection facilities. Service Agreement No. 4, the Interconnection Agreement between SDG&E and RAMCO dated April 12, 2001, establishes interconnection and operating responsibilities and associated communications procedures between the parties. SDG&E requests an effective date of April 12, 2001 for both agreements.

SDG&E states that copies of the filing have been served on RAMCO and on the California Public Utilities Commission.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. West Texas Utilities Company

[Docket No. ER01–1798–000]

Take notice that on April 12, 2001, West Texas Utilities Company (WTU) tendered for filing a Restated Service Agreement (Restated Agreement) between WTU and Tex-La Electric Cooperative of Texas, Inc. (Tex-La). The Restated Agreement restates the August 2, 1993 Service Agreement No. 18 under WTU's FERC Tariff No. 2 between WTU and Tex-La. Pursuant to Order No. 614, WTU designates the Restated Agreement as First Revised Service Agreement No. 18 under WTU's FERC Tariff No. 1.

WTU seeks an effective date of June 15, 2000 for this filing and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing have been served on Tex-La and on the Public Utility Commission of Texas.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Pierce Power LLC

[Docket No. ER01–1800–000]

Take notice that on April 12, 2001, Pierce Power LLC (Pierce Power) tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting Pierce Power's FERC Electric Tariff and accompanying Code of Conduct to be effective on June 15, 2001, or upon the Commission's order herein, whichever occurs first.

Pierce Power intends to sell electrical capacity, energy, ancillary services, and replacement reserve service to wholesale customers at market-based rates. In transactions where Pierce Power sells electric energy, it proposes to make such sales on rates, terms and conditions to be mutually agreed to with the purchasing party. Pierce Power's proposed Electric Tariff also permits it to reassign transmission capacity.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Tucson Electric Power Company

[Docket No. ER01–1801–000]

Take notice that on April 12, 2001, Tucson Electric Power Company (Tucson) tendered for filing one (1) Service Agreement for long-term transactions under Tucson's market-based power sales tariff by and between Tucson and Phelps Dodge Energy Services.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Charles H. Linthicum

[Docket No. ID–3614–000]

Take notice that on April 11, 2001, Charles H. Linthicum tendered for filing with the Federal Energy Regulatory Commission (Commission), an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Safe Harbor Water Power Corporation

Policy Committee Member, Malacha Hydro Limited Partnership

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10080 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Projects Nos. 2060–005, 2084–020, 2320–005, and 2330–007; and 2869–007 New York]

Erie Boulevard Hydropower L.P.; Village of Potsdam; Notice of Availability of Final Multiple Project Environmental Assessment

April 18, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Energy Projects staff has reviewed the applications for new license for the Carry Falls, Upper Raquette River, Middle Raquette River, and the Lower Raquette River Hydroelectric Projects, and the application for amendment of exemption for the Potsdam Water Power Project, located on the Raquette River in St. Lawrence County, New York, and has prepared a final multiple project Environmental Assessment (FEA) for the projects. In the FEA, the Commission's staff has analyzed the potential environmental impacts of the existing projects and has concluded that approval of the projects, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. The FEA may also be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

FR Doc. 01–10037 Filed 4–23–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6967–7]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request National Pollutant Discharge Elimination System for the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Information Collection Request National Pollutant Discharge Elimination System Great Lakes Water Quality Guidance (EPA ICR Number 1639.03; OMB Control Number 2040–0180; expiration date September 30, 2001). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 25, 2001.

ADDRESSES: An original and four copies of comments should be submitted to Mark Morris (4301), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. This ICR concerning the Water Quality Guidance for the Great Lakes System is available upon request by contacting Mark Morris (4301), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (202) 260–0312. The ICR is also available for inspection and copying at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604 by appointment only. Appointments may be made by calling Mery Willis Jackson (telephone 312–886–3717).

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (202–260–0312).

SUPPLEMENTARY INFORMATION: Affected entities: Entities potentially affected by today's action are those discharging pollutants to waters of the United States in the Great Lakes System. Potentially affected categories and entities include:

Category	Examples of potentially affected entities
Industry	Industries discharging toxic pollutants to waters in the Great Lakes System as defined in 40 CFR 132.2.
Municipalities	Publicly-owned treatment works discharging toxic pollutants to waters of the Great Lakes System as defined in 40 CFR 132.2.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by the final Water Quality Guidance for the Great Lakes System (the Guidance). This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility may be affected by this rule, you should examine the definition of ''Great Lakes System'' in 40 CFR 132.2 and examine 40 CFR part 132 which describes the purpose of water quality standards and implementation procedures. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Title: Information Collection Request National Pollutant Discharge Elimination System Great Lakes Water Quality Guidance (OMB Control No. 2040–0180; EPA ICR No.1639.03) expiring September 30, 2001.

Abstract: The primary objective of the Clean Water Act (CWA) is ''to restore and maintain the chemical, physical and biological integrity of the nation's waters'' (section 101(a)). CWA section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of any pollutant or combination of pollutants from point sources into the waters of the United States. CWA section 402(a), as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet the following requirements:

- All applicable requirements of CWA sections 301, 302, 306, 307, 308, and 403; and

• Any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA.

Section 101 of the Great Lakes Critical Programs Act (CPA) amends section 118 of the CWA and directs EPA to publish water quality guidance for the Great Lakes System. Provisions of the Guidance are codified in 40 CFR part 132. The Guidance establishes minimum water quality criteria, implementation procedures, and antidegradation provisions for the Great Lakes System.

EPA and delegated NPDES permitting authorities may need point source dischargers in the Great Lakes Basin to collect and submit information for the following reasons:

• To implement methodologies for setting numerical water quality criteria and values promulgated by States and Tribes for pollutants in the Great Lakes. The Great Lakes States will use the methodologies consistent with the final Guidance when revising existing or promulgating new water quality criteria.

• To evaluate requests for permit changes using antidegradation policies and procedures consistent with the final Guidance.

• To further the pollution prevention policy that focuses on the virtual elimination of toxic discharges into the Great Lakes System.

• To translate provisions consistent with the elements of the final Guidance into controls for point sources of pollutants.

• To identify the facilities that require additional permit conditions (i.e., those that are discharging pollutants at levels of concern into the Great Lakes System).

• To identify new pollutants in existing discharges.

• To evaluate water quality in the Great Lakes.

• To determine violations of State/Tribal provisions consistent with the Guidance.

Although the applicants collect and submit many types of information, this information can be broadly categorized as identification details (e.g., name, location, and facility description) and as information related to pollutant discharges into the Great Lakes.

Permitting authorities currently require dischargers to provide information such as the name, location, and description of facilities to identify the facilities that require permits. EPA and authorized NPDES States store much of this basic information in the Permit Compliance System (PCS) database. PCS provides EPA with a nationwide inventory of NPDES permit holders. EPA Headquarters uses the information contained in the PCS to develop reports on permit issuance, backlogs, and compliance rates. The Agency also uses the information to respond to public and Congressional inquiries, develop and guide its policies, formulate its budgets, assist States in acquiring authority for permitting programs, and manage its programs to ensure national consistency in permitting.

NPDES permit applications and requests for supplemental information currently require information about wastewater treatment systems, pollutants, discharge rates and volumes, whole effluent toxicity testing and other data. Additional information collection requirements that may be necessary to implement State, Tribal, or EPA promulgated provisions consistent with the final Guidance include:

• Monitoring (pollutant-specific and whole effluent toxicity or WET);

• Pollutant minimization programs;

• Bioassays to support the development of water quality criteria;

• Antidegradation policy/demonstrations; and

• Regulatory relief options (e.g., variances from water quality criteria).

This information may be used to ensure compliance with provisions consistent with the Guidance and re-evaluate existing permit conditions and monitoring requirements. Data on discharges is entered into STORET and PCS, EPA's databases for ambient water quality data and NPDES permits, respectively. Results of water quality criteria testing will be entered into an EPA Information Clearinghouse database.

Permit applications may contain confidential business information. If this is the case, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual part III, chapter 9, dated August 9, 1976. However, CWA section 308(b) specifically states that effluent data may not be treated as confidential. No questions of a sensitive nature are associated with this information collection.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the continued collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the continued collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: This ICR provides an estimate of the burden and costs associated with implementation of the final Great Lakes Water Quality Guidance. The total annual burden to all respondents is estimated to be 43,395 hours with an associated cost of $5,011,802. The total annual burden includes 5,886 hours that will be incurred by State governments for a cost of $206,742. It also includes 37,509 hours that will be incurred by the regulated community (including Publicly Owned Treatment Works and industrial facilities) at a cost of $2,028,652 in labor and $2,776,407 in operations and maintenance costs (contractor costs).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: April 11, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–10119 Filed 4–23–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6968–2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Hazardous Air Pollutant Emission Standards for the Synthetic Organic Chemical Industry (HON Rule)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP subparts F, G, H, and I, the Hazardous Organic NESHAP (HON), OMB Control Number 2060–0282, expires April 30, 2001. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 24, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1414.04 and OMB Control No. 2060–0282, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at *Farmer.Sandy@epamail.epa.gov* or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1414.04. For technical questions about the ICR contact Marcia Mia at 202–564–7042.

SUPPLEMENTARY INFORMATION:

Title: NESHAP subparts F, G, H, and I, the Hazardous Organic NESHAP (HON), OMB number 2060–0282, expires April 30, 2001. This is a request for an extension of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR 63.100, 63.110, 63.160, and 63.190; subparts F, G, H, and I, respectively, hazardous air pollutant emissions from process vents, storage vessels, transfer racks, wastewater and equipment leaks. This information is used by the Agency to identify sources subject to the standards and to insure that the maximum achievable control is being properly applied. The standards require periodic recordkeeping to document process information relating to the source's ability to comply with the standards. Respondents are owners or operators of processes in SOCMI industries, styrene-butadiene rubber production, polybutadiene production, chloride production, pesticide production, chlorinated hydrocarbon use in production of chemicals, pharmaceutical production, and miscellaneous butadiene use.

Section 112 of the Clean Air Act, as amended in 1990, requires that EPA establish standards to limit emissions of hazardous air pollutants (HAP's) from stationary sources. The sources subject to the proposed rule can potentially emit 149 of the 189 HAP's listed in section 112. In the Administrator's judgment, hazardous air pollutant (HAP) emissions in the synthetic organic chemical industry and other negotiated industries cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NESHAPs have been promulgated for this source category as required under section 112 of the Clean Air Act.

Owners or operators of the CMPU's described must make the following one-time-only reports. These notifications, reports and records are required, in general, of all sources subject to the MACT standards. Notification of the start date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility. In addition, subpart G requires respondents to submit five types of reports: (1) Initial Notification, (2) Implementation Plan, (3) Notification of Compliance Status, (4) Periodic Reports, and (5) several event triggered reports. The collection of this information is mandatory under section 114 of the CAA.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this ICR was published on February 1, 2001 (66 FR 8588); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 4,760 hours per response for existing sources and 9,296 hours per response for new sources. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and use technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Synthetic Organic Chemical Manufacturing Industry

Estimated Number of Responses: 490.

Frequency of Response: Episodic, Quarterly and Semi-annually.

Estimated Total Annual Hour Burden: 1,343,755 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $67,398,725.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to ICR No. 1414.04 and OMB control number 2060–0282 in any correspondence.

Dated: April 10, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–10120 Filed 4–23–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[SW–FRL–6969–9]

Notice of Data Availability for Additional Information Submitted by FMC/Astaris LLC Regarding the Case-By-Case Extension of the Land Disposal Restrictions (LDR) Effective Date for Hazardous Wastes Generated at Their Pocatello, Idaho Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability.

SUMMARY: On March 16, 2001, EPA proposed to approve the FMC/Astaris LLC's (FMC/Astaris) request for a one-year renewal of their existing Case-by-Case (CBC) extension of the Resource Conservation and Recovery Act land disposal restrictions (LDR) applicable to five hazardous wastes generated at their Pocatello, Idaho facility. FMC/Astaris' existing CBC extension expires on May 26, 2001. Today's ''Notice'' announces that FMC/Astaris has submitted additional information to EPA that is relevant to their requested renewal of the current CBC extension for these five hazardous wastes. This information covers the potential use of High Temperature Dust Filtration (HTDF) technology at their Pocatello facility, the management of the three hazardous waste streams not wholly eliminated by the HTDF system, and the effect of electric power shortages on facility production and the quantity of wastes generated there.

DATES: Comments on the additional information provided by FMC/Astaris (which has been entered into the RCRA Information Center) must be submitted by May 4, 2001.

ADDRESSES: The official record for this action is identified as Docket Number F–2001–FM2P–FFFFF. The official record of the FMC/Astaris request and related materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that you make an appointment by calling (703) 603–9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

You must send an original and two copies of your comments, referencing docket number F–2001–FM2P–FFFFF, to: (1) if using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Comments may also be submitted electronically through the Internet to: *rcra-docket@epa.gov*. Comments in electronic format should also be identified by the docket number F–2001–FM2P–FFFFF and must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

You may claim information that you submit in response to this notice as confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2. Commenters should not submit any CBI electronically. An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, c/o Regina Magbie, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. If you submit CBI by courier/overnight express, an original and two copies of the CBI must be sent to: RCRA CBI Document Control Officer, c/o Regina Magbie, Office of Solid Waste (5305W), U.S. EPA, 2800 Crystal Drive, 7th Floor, Arlington, VA 22202. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact the RCRA Hotline at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412–9810 or TDD (703) 412–3323.

For more detailed information on the FMC/Astaris submission, contact Mr. William Kline, Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (703) 308–8440, [e-mail address: kline.bill@epa.gov].

SUPPLEMENTARY INFORMATION: The index of all supporting materials evaluated by EPA concerning the FMC/Astaris request is available on the Internet. You will find the index at: *http://www.epa.gov/epaoswer/hazwaste/ldr/fmc.htm*. The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the location noted in **ADDRESSES** at the beginning of this document.

EPA's responses to comments will be in a **Federal Register** notice or in a response to comments document placed in the official record for this rulemaking. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form.

I. Background of the FMC/Astaris LLC Case-by-Case Extension Request

On March 16, 2001 (see 66 *FR* 15243), EPA proposed to approve FMC/Astaris' request for a one-year renewal of their existing CBC extension applicable to five hazardous waste streams generated at their Pocatello, Idaho facility. EPA approved their existing CBC extension because, at the time, there was a demonstrated lack of available treatment capacity for these five waste streams, and FMC/Astaris had not commenced operating an on-site LDR treatment plant being built to treat these wastes.

The five waste streams, generated by the production of elemental phosphorous at the Pocatello facility, are: (1) NOSAP Slurry, (2) Medusa Scrubber Blowdown, (3) Furnace Building Washdown, (4) Precipitator Slurry, and (5) Phossy Water. These wastes exhibit two characteristics of hazardous waste: reactivity due to the presence of cyanide and phosphine, and ignitability.

The waste streams are generated in large quantities and pose unique handling, treatment, and disposal problems because of the presence of elemental phosphorous and cyanide. Each of these waste streams also contains varying levels of Naturally Occurring Radioactive Material, which most commercial Treatment, Storage, and Disposal Facilities are not permitted to manage.

II. Additional Information Submitted by FMC/Astaris Since the Notice of EPA's Proposed Decision

The March 16, 2001 **Federal Register** notice of proposed decision on the FMC/Astaris CBC extension renewal was premised on the commitment made by FMC/Astaris (and EPA's agreement with this commitment) that FMC/Astaris would complete construction of their planned LDR Treatment Plant and begin its operation by May, 2002. A description of the LDR Treatment Plant (and the schedule for constructing it and bringing it on line) is in the Docket for the March 16, 2001 **Federal Register** notice.

FMC/Astaris has informed EPA that they are now considering an entirely different technology, referred to as High Temperature Dust Filtration (HTDF), to address the generation of the five waste streams and possibly supplant the LDR Treatment Plant. EPA discussed this possibility in the Agency's March 16, 2001 **Federal Register** notice. FMC/Astaris states that this technology, if employed, would eliminate two of the five waste streams now generated and also cause a substantial change in the composition of the other three waste streams—such that the LDR Treatment Plant would no longer be necessary to treat these wastes. FMC/Astaris plans to make a final decision this month on which process or treatment option it will pursue.

A. Potential Use of High Temperature Dust Filtration (HTDF) Technology

As described in the March 16, 2001 submittal of information, High Temperature Dust Filtration (HTDF) would be incorporated into the elemental phosphorus production process. Specifically, it would be located directly after the facility's electric arc furnaces, replacing a series of two electrostatic precipitators in the existing phosphorus recovery system.

Replacing the existing phosphorus recovery system would eliminate two of the five waste streams, Precipitator Slurry and NOSAP Slurry. FMC/Astaris also claims that the HTDF technology would significantly reduce the volume and alter the composition of the other three waste streams (Phossy Water, Medusa Scrubber Blowdown, and Furnace Building Washdown).

FMC/Astaris' March 16, 2001 information submittal is available for review in the RCRA Information Center. In this submittal, FMC/Astaris describes how employing the HTDF technology would allow them to meet each of the seven CBC demonstrations required in 40 CFR 268.5(a). It also describes in detail how this technology works.

B. Managing the Waste Streams Not Eliminated by the HTDF System

As noted above, the HTDF system would not eliminate three of the five waste streams subject to the CBC extension renewal. FMC/Astaris sent EPA another package of information on March 29, 2001 that describes how, if the HTDF system is used, these remaining three waste streams would be managed using one or more of the following: pH adjustment followed by solids precipitation/clarification; reconfigured flow of these waste streams within the system; and recycling/reuse of the waste stream/clarified water. This submittal also describes why FMC/Astaris believes these waste streams would continue to necessitate the CBC extension renewal and how each of the seven demonstrations required under 40 CFR 268.5(a) are met. The March 29, 2001 information is available for review in the RCRA Information Center.

C. Effect of Energy Shortages on Production and Generated Wastes

On March 30, 2001, FMC/Astaris sent us another letter stating that the current power shortages in the western United States will impact plant production, and thus reduce the generation of waste subject to the CBC extension. FMC/Astaris also states that despite the decrease in waste generation, construction of their LDR Treatment Plant is proceeding on schedule.

D. Responses to Questions Raised by EPA

Our initial review of the additional information provided by FMC/Astaris raised questions for which we sought clarification. Specifically, we had questions regarding their planned management of the waste streams not wholly eliminated by the HTDF system, one question about the effect of the HTDF system on the facility's air emissions, and one question regarding the cutback in plant production as a result of the current energy shortage. On April 10, 2001, FMC/Astaris provided responses to each of these questions. Copies of their responses are included in the docket for this notice.

III. How Can I Influence EPA's Decisionmaking?

We welcome your comments on the FMC/Astaris submission of additional information. Your comments will be most effective if you follow these suggestions:

- Explain your views clearly.
- Provide specific examples to illustrate your views.
- Offer specific alternatives.
- Submit your comments by the deadline in this notice.
- Include your name, date, and the docket number.

IV. What Happens After We Receive Your Comments?

We will use your comments in making a decision about whether to approve or deny the FMC/Astaris request for a one-year CBC extension renewal, as discussed in the March 16 **Federal Register** Notice (see 66 FR 15243). We plan to publish a final notice regarding the Agency's decision on this request prior to the May 26, 2001 expiration date of the existing CBC extension.

V. Comments Received To-Date

The additional information provided by FMC/Astaris to EPA also has been provided to the Shoshone-Bannock Tribes, who are concerned about operations at the Pocatello facility. Because the Tribes were provided this information at the same time that it was submitted to EPA, we believe that a comment period of ten days is sufficient time for public review of the additional information. To date, only the Shoshone-Bannock Tribes and FMC/Astaris have commented on the issues discussed in today's ''Notice''.

Authority: Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924).

Dated: April 17, 2001.

Michael H. Shapiro,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 01–10247 Filed 4–23–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6967–6]

Technical Experts Meeting to Discuss Issues Associated with Regulations of Cooling Water Intake Structures at Existing Facilities, Announcement of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; announcement of meeting.

SUMMARY: The EPA will conduct a public meeting of invited technical experts to discuss specific issues associated with the development of

regulations under section 316(b) of the Clean Water Act governing cooling water intake structures at existing facilities. The purpose of this meeting is to elicit individual comments from the technical experts regarding the Agency's preliminary data on cooling water intake structure technologies that are in place at existing facilities and the costs associated with the use of available technologies for reducing impingement and entrainment of aquatic organisms. The experts will be selected by the Director of the Office of Science and Technology within the Office of Water. The experts will represent, at a minimum, a balanced mix of individuals recommended by or associated with industry and public interest groups, with additional representation from two or three States and one academic institution. The public is invited to attend and will have an opportunity to express their views at the end of the meeting.

DATES: The public meeting will be held on Wednesday, May 23, 2001 from 9 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Alexandria, Virginia 22202. The Crystal City Marriott telephone number is (703) 413–5500. The nearest Metro stop is Crystal City station on either the Blue or the Yellow Line.

FOR FURTHER INFORMATION CONTACT: Claudio H. Ternieden, Office of Water, Office of Science and Technology, Engineering and Analysis Division, Cooling Water Intake Task Force, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; telephone number (202) 260–6026; and e-mail address Ternieden.Claudio@epa.gov. For any updates on the issues that EPA will discuss at the meeting, refer to http://www.epa.gov/ost/guide.

SUPPLEMENTARY INFORMATION: EPA is developing regulations implementing Section 316(b) of the Clean Water Act under the terms of an Amended Consent Decree in *Riverkeeper, Inc.* v. *Whitman,* U.S. District Court, Southern District of New York, No. 93–Civ.0314 (AGS). The Amended Consent Decree divides the regulatory process into three phases: (1) Phase I, governing new facilities that employ a cooling water intake structure; (2) Phase II, governing, at a minimum, existing utilities and non-utility power producers that employ a cooling water intake structure, and whose flow levels exceed a minimum threshold to be determined by EPA; and (3) Phase III, governing existing facilities that employ a cooling water intake structure, that are not covered by the Phase II rule, and whose intake flow levels exceed a minimum threshold to be determined by EPA. EPA proposed Phase I regulations on July 20, 2000, 65 FR 49060. The remaining deadlines for rulemaking in each phase are as follows:

Phase I: Final action by November 9, 2001
Phase II: Proposal by February 28, 2002
Final action by August 28, 2003
Phase III: Proposal by June 15, 2003
Final action by December 15, 2004

Dated: April 11, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–10121 Filed 4–23–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of New Exposure Draft *Change in Certain Requirements for Reconciling Obligations and Net Cost of Operations—Amendment of SFFAS 7, Accounting for Revenue and Other Financing Sources*

AGENCY: Federal Accounting Standards Advisory Board.

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 1999, notice is hereby given that the Federal Accounting Standards Advisory Board has published a new exposure draft, *Change in Certain Requirements for Reconciling Obligations and Net Cost of Operations—Amendment to SFFAS 7, Accounting for Revenue and Other Financing Sources.*

A summary of the proposed Statement follows: On April 12, 2001, the Federal Accounting Standards Advisory Board (FASAB) released for public comment an exposure draft (ED) to amend Statement of Federal Financial Accounting Standards (SFFAS) 7, Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting. The Chairman of the Federal Accounting Standards Advisory Board announced that the FASAB has issued an exposure draft of a proposed standard affecting the presentation of the reconciliation of obligations and the net cost of operations in the statement of financing. The new standard would delete the requirement to report changes in certain receivables from the public as a resource on the statement of financing. The effect of the change is that the location of this item in the statement of financing is no longer specified by the standard. The Board is deferring a final solution regarding the placement of this element until it can be addressed within the context of a fuller review of the statement of financing. In the interim, flexibility will be permitted by the amended standard. The exposure draft entitle Change in Certain Requirements for Reconciling Obligations and Net Cost of Operations, Amendment of SFFAS 7, Accounting for Revenue and Other Financing Sources, will be out for comment until June 8, 2001. The proposed amendment of SFFAS No. 7 would be effective for periods beginning after September 30, 2000.

The exposure draft will be mailed to FASAB's mailing list subscribers. Additionally, it is available on FASAB's home page *http://www.financenet.gov/fasab.htm.* Copies fan be obtained by contacting FASAB at (202) 512–7350, or *fontenroser.fasab@gao.gov.* For further information call Richard Fontenrose (202) 512–7358.

Written comments are requested by June 8, 2001, and should be sent to: Wendy M. Comes, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street, NW, Suite 6814, Mail Stop 6K17V, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW., Room 6814, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463.

Dated: April 19, 2001.

Wendy M. Comes,

Executive Director.

[FR Doc. 01–10147 Filed 4–23–01; 8:45 am]

BILLING CODE 1610–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank

indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 8, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Aaron D. Levorsen, Elgin, North Dakota; to acquire voting shares of Elgin Bancshares, Inc., Elgin, North Dakota and thereby indirectly acquire shares of Farmers State Bank, Elgin, North Dakota.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Peter Eliades, Las Vegas, Nevada; to retain voting shares of Business Bank Corp., Las Vegas, Nevada, and thereby indirectly retain voting shares of Business Bank of Nevada, Las Vegas, Nevada.

Board of Governors of the Federal Reserve System, April 18, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–10018 Filed 4–23–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 18, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. State Bank of Slater ESOP and Trust, Slater, Missouri; to acquire an additional 2.86 percent, for a total of 30.68 percent, of the voting shares of Slater Bancshares, Inc., Slater, Missouri, and thereby indirectly acquire voting shares of State Bank of Slater, Slater, Missouri.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. First Financial Bankshares, Inc., Abilene, Texas; to acquire 100 percent of the voting shares of City Bancshares, Inc., Mineral Wells, Texas, and thereby indirectly acquire voting shares of City Delaware Financial Corporation, Dover, Delaware, and City National Bank, Mineral Wells, Texas.

Board of Governors of the Federal Reserve System, April 19, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–10149 Filed 4–23–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

Agency Holding the Meeting: Board of Governors of the Federal Reserve System

TIME AND DATE: 11 a.m., Monday, April 30, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 20, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–10246 Filed 4–20–01; 12:40 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegations of Authority

Notice is hereby given that I delegate to the Assistant Secretary for Children and Families, with authority to redelegate to the Director, Office of Refugee Resettlement, which may be further redelegated, the following authority vested in the Secretary under section 412(b)(3) of the Immigration and Nationality Act (INA) 8 U.S.C. 1522(b)(3).

(a) Authority Delegated. Authority, under section 412(b)(3) of the Immigration and Nationality Act (INA), to make arrangements for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and § 414(b) of the INA) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government.

(b) Effect on Existing Delegations. None.

(c) This delegation is limited to providing for the temporary care, including medical screening, of approximately 1,150 Burmese and Chinese asylum applicants on Guam awaiting adjudication of their asylum claims by the Immigration and Naturalization Service.

(d) This delegation shall be exercised under the Department's existing delegation of authority and policy on regulations. This delegation of authority is effective upon date of signature.

In addition, I hereby, affirm and ratify any actions taken by the Assistant Secretary or any other official of the Administration for Children and Families that, in effect, involved the exercise of these authorities prior to the effective date of these delegations.

Dated: April 18, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–10141 Filed 4–23–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–31]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Lessons Learned from the Community Coalition Partnership Programs for the Prevention of Teen Pregnancy—New—The United States has the highest teenage pregnancy rate of all developed countries. About 1 million teenagers become pregnant each year and most of those pregnancies are unintended. These pregnancies have profound economic, social and personal impacts on the teen mothers, their children, and society.

Since 1995, the Centers for Disease Control and Prevention (CDC) has funded 13 community-wide coalitions, the Community Coalition Partnership Programs for Prevention of Teen Pregnancy, to reduce the incidence of teenage pregnancy through a youth development model. Phase I of this effort included a 2-year planning phase and Phase II is the 5-year intervention phase to be completed in September 2002. The proposed data collection is an evaluation of lessons learned from this demonstration project. The goals of the proposed data collection are:

- to provide evidence about effective long-term programs, their components, and approaches
- to identify best practices, practices to avoid, best investments, and how-to steps
- to inform the implementation of the demonstration program
- to inform the modification (if any) and expansion (if any) of the program

The data will be collected via interviews with key stakeholders from the hub organization (the one receiving CDC funding), its partner organizations, and the community during two 3-day site visits to each site. The second site visit will occur a year after the first site visit. If any key stakeholders cannot be present during the site visit, they will be interviewed by phone. There are no costs to Respondents.

Form	Type of Respondents	No. of respondents per year	No. of responses per respondent	Avg. burden per response (in hours)	Total annual burden (in hours)
1	Hub organization leaders and stakeholders	[1] 65	2	2	260
2	Coalition partner leaders and stakeholders	[2] 234	2	2	936
3	Community stakeholders	[3] 130	2	2	520
	Total	429	2	2	1,716

[1] 5 per site, 13 sites.
[2] 3 per org, 6 orgs per site, 13 sites.
[3] 10 per site, 13 sites.

Dated: April 16, 2001.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–10060 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–27–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Telephone Survey Measuring HIV/STD Risk Behavior Using Standard Methodology—New—National Center for HIV, STD, Tuberculosis Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC). The goal of the overall project is to conduct testing of a set of survey questions intended to obtain measures of risk behaviors for

Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs). This proposed data collection is for the second phase of this 2-year project. During the first phase questions were developed and tested, and a pretest of 203 interviews was conducted. During this second phase a pilot survey with a larger number of respondents will be conducted, and a small number of additional questions will be included measuring HIV-related stigma.

Knowledge about the level of HIV risk behaviors in populations is essential for effective HIV prevention programs. Currently, survey-based assessment of these behaviors depends on a range of survey questions that differ across surveys, and that are difficult to compare and to reconcile. Therefore, the Behavioral Surveillance Working Group, coordinated by the National Center for HIV, STD and Tuberculosis Prevention, Centers for Disease Control and Prevention, has developed a draft set of items to be proposed as standard survey questions on the topics of sexual behavior, HIV testing, drug use, and other behaviors related to risk of contracting HIV and/or STDs. As part of this effort, CDC will sponsor a telephone-based pilot of 650 persons aged 18–59, selected randomly from within an urban area, in order to test these questions.

Further, because some of the survey questions are private and potentially sensitive, the project will entail the testing of a survey administration mode: Telephone-based audio computer-assisted self-interview (T–ACASI), in which a computer will be used to administer the most sensitive questions, and in which the surveyed individual enters responses directly onto the telephone keypad. This procedure eliminates the need for communication of sensitive questions from the interviewer to the respondent, as well as the need for respondents to answer the questions verbally. In order to test the effectiveness of this procedure, half of the interviews will be conducted using the T–ACASI procedure for the most sensitive questions, and half using standard, interviewer-based administration of all questions. Data analysis will rely on an assessment of the response rate under each mode, and on the nature of the data obtained to the sensitive questions. The larger sample size of the year 2 pilot survey will enable us to test statistical significance of the effectiveness of the T–ACASI procedure.

Information and data obtained from this evaluation will help direct future surveys, by determining whether it is feasible to attempt to administer these standard risk questions using a telephone survey, and whether a T–ACASI-based procedure represents a technological innovation that will positively contribute to such an effort, through improvements in data quality. The total annual burden is 217 hours.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per response (in hours)
Screening	3448	1	1/60
Interview	650	1	20/60

Dated: April 16, 2001.

Nancy Cheal,

Acting Associate Director for Policy Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–10061 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-DAY–29–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: National Childhood Blood Lead Surveillance System—Renewal—(OMB No. 0920–0337), National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC). In 1992, the Centers for Disease Control and Prevention began the National Childhood Lead Surveillance Program at the National Center for Environmental Health (NCEH). The goals of the childhood lead surveillance program are to (1) establish childhood lead surveillance systems at the state and national levels; (2) use surveillance data to estimate the extent of elevated blood-lead levels among children; (3) assess the follow-up of children with elevated blood-lead levels; (4) examine potential sources of lead exposure; and (5) help allocate resources for lead poisoning prevention activities. State surveillance systems are based on reports of blood-lead tests from laboratories. Ideally laboratories report results of all lead tests, not just elevated values, to the state health department, but each state determines the reporting level for blood lead tests. In addition to blood lead test results, state child-specific surveillance databases contain follow-up data on children with elevated blood-lead levels including data on medical treatment, environmental investigations, and potential sources of lead exposure. Surveillance data for the national database are extracted from the state child-specific databases and transferred to CDC.

OMB approval for this package will expire on March 31, 2001. This request is for a three-year renewal with a change in the burden hours. The annual burden hours are estimated to be 600.

Type of respondents	No. respondents	Frequency of responses	Avg. burden/response (in hrs)
State Health Departments:			
(a) annual report	28	1	10.0
(b) quarterly report	40	4	2.0

Dated: April 16, 2001.

Nancy E. Cheal,

Acting Associate Director for Policy Planning, and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–10064 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01040]

Notice of Availability of Funds; Safe Motherhood Programs

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY)2001 funds for grant programs entitled ''Safe Motherhood Programs.'' This program addresses the ''Healthy People 2010'' focus area of Maternal, Infant, and Child Health. The purpose of the program is to improve maternal, infant, and child health.

B. Eligible Applicants

Assistance will be provided only to the organizations listed below. No other applications are solicited. The Conference Report H.R. 4577, Consolidated Appropriations Act, 2001, specified these funds for the organizations listed below.

1. Victory Memorial Hospital, Brooklyn, New York, to expand its prenatal program for uninsured pregnant women. ($34,690)
2. Northern New Jersey Maternal Child Health Consortium. ($93,750)
3. University Medical Center of Southern Nevada, for maternal and neonatal intensive care. ($468,770)
4. Sudden Infant Death Syndrome Resources, Inc., Missouri Bootheel Healthy Start Project. ($843,790)
5. Prince Georges County Health Department, for infant mortality prevention. ($937,545)

C. Availability of Funds

Approximately $2,500,000 is available in FY 2001 to fund five awards. It is expected that the award will begin on or about July 15, 2001, and will be made for a 12-month budget period within a one year project period. Funding estimates may change.

D. Where To Obtain Additional Information

Business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone: (770) 488–2751, E-Mail Address: vbk5@cdc.gov.

For overall program technical assistance, contact: John R. Lehnherr, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–20, Atlanta, Georgia 30341, Telephone: (770) 488–5193, E-Mail Address: jrl5@cdc.gov.

Technical assistance for Cross Roads Foundation will be provided by: Bao Ping Zhu, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 3423 Martin Luther King, Jr. Boulevard, Lansing, Michigan 48909, Telephone: (517) 334–8026, E-Mail Address: bxz3@cdc.gov.

Technical assistance for Victory Memorial Hospital, Brooklyn, New York, will be provided by: Cindy Berg, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–23, Atlanta, Georgia 30341, Telephone: (770) 488–5187, E-Mail Address: gkb@cdc.gov.

Technical assistance for Northern New Jersey Maternal Child Health Consortium will be provided by: Holly Shulman, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–22, Atlanta, Georgia 30341, Telephone: (610) 690–7331, E-Mail Address: hbs1@cdc.gov.

University Medical Center of Southern Nevada; Sudden Infant Death Syndrome Resources, Inc., Missouri Bootheel Healthy Start; and Prince Georges County Health Department will be provided by: Solomon Iyasu, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–23, Atlanta, Georgia 30341, Telephone: (770) 488–5156, E-Mail Address: sxi1@cdc.gov.

Dated: April 17, 2001.

John L. Williams,

Director, Procurement and Grant Office, Centers for Disease Control and Prevention.

[FR Doc. 01–9926 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): NORA: RFA OH–01–002: World-Wide Occupational Safety and Health Program; RFA OH–01–003: State Fatality Surveillance and Field Investigations of Occupational Injuries: Fatality Assessment and Control Evaluation (FACE); and PA 99–143: Construction Safety Alliance

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) NORA: RFA OH–01–002: World-Wide Occupational Safety and Health Program; RFA OH–01–003: State Fatality Surveillance and Field Investigations of Occupational Injuries: Fatality Assessment and Control Evaluation (FACE); and PA 99–143: Construction Safety Alliance (NIOSH).

Times and Dates: 10 a.m.– 10:30 a.m., May 14, 2001. (Open); 10:30 a.m.–5 p.m., May 14, 2001. (Closed); 8 a.m.–2 p.m., May 15, 2001. (Closed).

Place: State Plaza Hotel, 2117 E. State Street, NW, Washington, DC 20037.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcements NORA: RFA OH–01–002; RFA OH–01–003; and PA 99–143.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Rd, NE, M/S D28, Atlanta, Georgia 30333, telephone 404–639–2378.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 18, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC)

[FR Doc. 01–10055 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): NORA: RFA OH–01–007: Community-Based Interventions to Prevent Childhood Agricultural Injury and Disease

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) NORA: RFA OH–01–007: Community-Based Interventions to Prevent Childhood Agricultural Injury and Disease.

Times and Dates: 5 p.m.–5:30 p.m., May 15, 2001. (Open); 5:30 p.m.–9 p.m., May 15, 2001. (Closed); 8 a.m.–5 p.m., May 16, 2001. (Closed).

Place: State Plaza Hotel, 2117 E. State Street, NW, Washington, DC 20037.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement NORA: RFA OH–01–007.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Rd, NE, M/S D28, Atlanta, Georgia 30333, telephone 404–639–2378.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 12, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–10057 Filed 4–23–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Meeting

National Center for Health Statistics (NCHS), Data Policy and Standards Staff, announces the following meeting.

Name: ICD–9–CM Coordination and Maintenance Committee meeting.

Time and Date: 9 a.m.–5 p.m., May 17–18, 2001.

Place: The Health Care Financing Administration, Auditorium, 7500 Security Boulevard, Baltimore, Maryland. In the interest of security, the H.C.F.A. has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Status: Open to the public, as limited by the capacity of the meeting room, which is 75 people.

Purpose: The ICD–9–CM Coordination and Maintenance (C&M) Committee will hold its first meeting of the 2001 calendar year cycle on Thursday and Friday May 17–18, 2001. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

Matters to be Discussed: Agenda items include:

Critical illness neuropathy
Ocular torticollis
Personal history of pre-term labor
Fussy infant/excessive crying of infant
Perinatal conditions
Aqueous misdirection
Disruption of operation wound
Dieulafoy lesion
Aftercare codes
Supplemental oxygen dependency
Scooter external cause code

Implementation issues on the ICD–10–Procedure Classification System (PCS) coding system. Presenters will include:

The American Health Information Management Association (AHIMA)
The American Hospital Association (AHA)
The American Medical Association (AMA)
McKesson HBOC
DRG Review, Inc.
AdvaMed
Ingenix Syndicated Content Group
Princeton Provider Group

ICD–9–CM procedure topics to be covered:

High-Dose Interleukin-2
Spinal Fusion Devices
Addenda

Contact Person for Additional Information: Amy Blum, Medical Classification Specialist, Data Policy and Standards Staff, NCHS, 6526 Belcrest Road, Room 1100, Hyattsville, Maryland 20782, telephone 301/458–4106 (diagnosis), Amy Gruber, Health Insurance Specialist, Division of Acute Care, HCFA, 7500 Security Blvd., Room C4–07–07, Baltimore, Maryland, 21244 telephone 410–786–1542 (procedures).

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: April 18, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–10056 Filed 4–23–01; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0167]

Preparation for ICH Meetings in Tokyo, Japan, Including Progress on the Common Technical Document and Possibilities for New Topics; Notice of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled ''Preparation for ICH Meetings in Tokyo, Japan, Including Progress on the Common Technical Document and Possibilities for New Topics,'' to solicit information and receive comments on the future of the International Conference on Harmonisation (ICH) as well as the upcoming meetings in Tokyo, Japan. The topic to be discussed is the

Common Technical Document (CTD) and possibilities for new topics. The purpose of the meeting is to solicit public input prior to the next Steering Committee and Expert Working Group meetings in Tokyo, Japan, May 21 to 24, 2001, at which discussion of the CTD and possible new topics will be continued.

Date and Time: The public meeting will be held on May 8, 2001, 10:30 a.m. to 2 p.m.

Location: The public meeting will be held at 5630 Fishers Lane, rm. 1066, Rockville, MD 20852.

Contact: Kimberly Topper, Center for Drug Evaluation and Research, Food and Drug Administration, 5630 Fishers Lane, Rockville, MD 20852, 301–827–7001, FAX 301–827–6801, or email: Topperk@cder.fda.gov.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and fax number), and written material and requests to make oral presentations to the contact person by May 1, 2001.

If you need special accommodations due to a disability, please contact Kimberly Topper at least 7 days in advance.

SUPPLEMENTARY INFORMATION:

I. Background

The International Conference on Harmonisation of Technical Requirements for the Registration of Pharmaceuticals for Human Use (ICH) was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness.

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for medical product development among regulatory agencies. The ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. The ICH is concerned with harmonization among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labor, and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations. The ICH Steering Committee includes representatives from each of the ICH sponsors and Canadian Therapeutics Programme, and the European Free Trade Area. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the three ICH regions. The current ICH process and structure can be found on the Internet at http://www.ifpma.org/ich1.html.

II. Issues To Be Discussed at the Public Meeting

The issues to be discussed include the following: (1) ICH overview and procedures, (2) CTD, and (3) possibilities for new topics (e.g., biotech and postmarketing surveillance).

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Oral presentations from the public will be scheduled between approximately 10:30 a.m. and 2 p.m. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by May 1, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, phone number, fax, and e-mail of proposed participants, and an indication of the approximate time requested to make their presentation.

The agenda for the public meeting will be available on May 2, 2001, at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, under Docket Number 01N-0167.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

Dated: April 18, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–10068 Filed 4–23–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Exchange of Letters Between the Food and Drug Administration and Japan Concerning the Exchange of Certain Information on Pharmaceutical Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of an exchange of letters between FDA, Department of Health and Human Services, United States of America and the Inspection and Guidance Division, Pharmaceutical and Medical Safety Bureau, Ministry of Health and Welfare, Japan. The parties concluded this exchange of letters on December 27, 2000. These letters express the intentions of the United States and Japan to exchange information on matters useful to preserving the safety, quality, and efficacy of pharmaceutical products in the markets of the United States and Japan.

DATES: Cooperation under the exchange of letters began December 27, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph Famulare, Division of Manufacturing and Product Quality (HFD–320), Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–827–0590.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this exchange of letters.

Dated: April 11, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

BILLING CODE 4160–01–S

Ministry of Health and Welfare
1-2-2, Kasumigaseki, Chiyoda-ku, Tokyo, 100-8045 Japan
TEL:+81-3-3595-2436 FAX:+81-3-3503-1043

December 22, 2000

Ms. Sharon Smith Holston
Deputy Commissioner for International and Constituent Relations
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857
United States of America

Subject: Exchange of Certain Information on Pharmaceutical Products

Dear Ms. Holston:

This letter concerns cooperation in the exchange of pharmaceutical inspection reports and other pharmaceutical surveillance information between the Inspection and Guidance Division, Pharmaceutical and Medical Safety Bureau, Ministry of Health and Welfare (MHW), Japan, and the Food and Drug Administration (FDA), United States of America.

MHW would like to begin exchanging inspection reports and surveillance information on pharmaceutical products. "Pharmaceutical products" means those products that are defined as "drugs for human use" in both countries and to which Good Manufacturing Practice (GMP) requirements of the respective countries are applied. The definition of "pharmaceutical products" includes active ingredients. Recognizing this information sharing as an initial step to expand cooperative activities and enhance understanding of each other's systems, the Inspection and Guidance Division, MHW intends to:

1. Provide upon request copies of inspection reports and product sample test results describing the conformity of a pharmaceutical product manufacturing facility located in Japan to MHW's current GMP requirements.

2. Restrict to information which is already routinely collected and maintained for pharmaceutical products which have already been approved for marketing and distributed in the importing country.

3. Exclude information collected as part of a pre-marketing approval evaluation process.

4. Work with FDA on the development and maintenance of a joint inventory of pharmaceutical product manufacturing facilities located in Japan and the U.S., including a list of pharmaceutical products made at each facility.

5. Provide information on MHW-classified recalls of pharmaceutical products known by MHW to have been manufactured or distributed in the U.S.

6. Respond to FDA requests for other pharmaceutical product quality information. Provide such information when able to do so or explain why such information cannot be provided.

7. Provide all communications in English.

8. Protect any information received from FDA to the extent permitted by Japanese laws and regulations and provide FDA with copies of Japanese laws and regulations governing MHW's ability to maintain information as confidential.

9. Generally provide all information described above in a manner fit for public dissemination under Japanese laws and regulations. MHW will consider providing specifically requested non-public information only in accordance with established Japanese laws and regulations.

10. Welcome FDA officials where appropriate for the purpose of studying the implementation of the MHW GMP regulatory system, as resources permit.

11. Appoint a liaison(s) for the exchange of information and other communications made between MHW and FDA. The MHW liaison(s) will notify the designated FDA liaison(s) of any concerns or problems with the provided information described in this letter and work diligently to resolve these as well as all FDA concerns.

12. Review the progress and benefits of the information exchange and meet with FDA at least once every three years to discuss this exchange.

All activities described in this letter are to be carried out consistent with the laws and regulations applicable to each country.

MHW intends to provide three months notice to FDA before ceasing or changing any of these activities. If these activities are to be changed, MHW intends to review those changes, consulting with the Ministry of Foreign Affairs.

Please let us know at your earliest convenience whether these intentions are acceptable to FDA.

Sincerely yours,

Jun'ichi SHIRAISHI
Director,
Inspection and Guidance Division
Pharmaceutical and Medical Safety Bureau
Ministry of Health and Welfare

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

December 27, 2000

Mr. Jun'ichi Shiraishi
Director
Inspection and Guidance Division
Pharmaceutical and Medical Safety Bureau
Ministry of Health and Welfare
Japan

Subject: Exchange of Certain Information on Pharmaceutical Products

Dear Mr. Shiraishi:

The U.S. Food and Drug Administration (FDA) recognizes the importance of timely communication between U.S. and Japanese governmental authorities on matters useful to preserving the safety, quality, and efficacy of pharmaceutical products in the markets of the United States and Japan. FDA has high regard for the critical role of the Japanese Ministry of Health and Welfare (MHW) in the collection and use of information about pharmaceutical products manufactured and distributed in Japan. The intentions expressed in your letter of December 22 are acceptable to FDA. "Pharmaceutical products" means those products, including active ingredients, that are defined as "drugs for human use" in both countries and to which Good Manufacturing Practice (GMP) requirements of the respective countries are applied. The definition of pharmaceutical products above includes active ingredients.

By this letter FDA intends to:

1. Provide upon request copies of inspection reports and product sample test results describing the conformity of a pharmaceutical product manufacturing facility located in the U.S. to FDA's current GMP requirements.

2. Restrict to information already routinely collected and maintained for pharmaceutical products which have already been approved for marketing and distributed in the importing country.

3. Exclude information collected as part of a pre-marketing approval evaluation process.

4. Work with MHW on the development and maintenance of a joint inventory of pharmaceutical product manufacturing facilities located in Japan and the U.S., including a list of pharmaceutical products made at each facility.

5. Provide information on FDA-classified recalls of pharmaceutical products known by FDA to have been manufactured or distributed in Japan.

6. Respond to MHW requests for other pharmaceutical product quality information. Provide such information when able to do so or explain why such information cannot be provided.

7. Permit MHW access to FDA's GMP compliance status database for U.S. pharmaceutical manufacturing facilities.

8. Protect any information received from MHW to the extent permitted under FDA regulation (Title 21, Section 20.89 of the U.S. Code of Federal Regulations) and provide MHW with copies of U.S. laws and regulations governing FDA's ability to maintain information as confidential.

9. Generally provide all information described above in a manner fit for public dissemination under U.S. laws and regulations. FDA will consider providing specifically requested non-public information only in accordance with established U.S. laws and regulations.

10. Welcome MHW officials where appropriate for the purpose of studying the implementation of the FDA GMP regulatory system, as resources permit.

11. Appoint a liaison(s) for the exchange of information and other communications between FDA and MHW. The FDA liaison(s) will notify the designated MHW liaison(s) of any concerns or problems with the provided information described in this letter and work diligently to resolve these as well as all MHW concerns.

12. Review the progress and benefits of the information exchange and meet with the MHW at least once every three years to discuss this exchange.

All activities described in this letter are to be carried out consistent with the laws and regulations applicable to each country.

FDA intends to provide three months notice to MHW before ceasing or changing any of these activities. If these activities are to be changed, FDA intends to review those changes, consulting with the Department of State.

Mr. Jun'ichi Shiraishi--Page 3

It is my hope that this letter will serve to enhance the continued beneficial and productive relationship between the MHW and the FDA. FDA looks forward to a future time when both governments are ready to build further on the feelings of trust and cooperation that have led to the cooperation described in this letter.

Sincerely,

Sharon Smith Holston
Deputy Commissioner
for International and Constituent Relations

[FR Doc. 01–10017 Filed 4–23–01; 8:45 am]
BILLING CODE 4160–01–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4653–05]

Notice of Proposed Information Collection for Public Comment: Notice of Funding Availability and Application for the Tribal Colleges and Universities Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 25, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and be sent to: Reports Liaison Officer, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships—telephone (202) 708–1537. This is not a toll-free number. Copies of the proposed forms and other available documents to be submitted to OMB may be obtained from Ms. Karadbil.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected entities concerning the proposed information collection to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of information to be collected; and (4) Minimize the burden of collection of information on those who are to respond; including through the use of appropriate technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of the Proposal: Notice of Funding Availability and Application Kit for the Tribal Colleges and Universities Program (TCUP).

Description of the need for the information and proposed use: The information is being collected to select grantees in this statutorily-created competitive grant program. The information is also being used to monitor the performance of grantees to ensure that they meet statutory and program goals and requirements.

Members of the affected public: Tribal colleges and universities seeking assistance to build, expand, renovate, and equip their own facilities.

Estimation of the total number of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response: Information pursuant to submitting applications will be submitted once. Information pursuant to grantee monitoring requirements will be semi-annually and at the completion of the grant.

The following chart details the respondent burden on an annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Application	32	32	80	2,560
Semi-annual reports	9	18	16	288
Final reports	9	9	16	144
Recordkeeping	9	9	24	216
				3,208

Status of proposed information collection: OMB approved an emergency paperwork clearance for this information collection and assigned it OMB Control No. 2528–0215, expiration date 07/31/2001.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 12, 2001.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 01–10047 Filed 4–23–01; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4560–FA–19]

Announcement of Funding Awards, Community Development Technical Assistance Programs, Fiscal Year 2000

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces the funding decisions made by the Department in a competition for funding under the Fiscal Year 2000 competition for Community Development Technical Assistance Programs. The notice contains the names of award winners and the amounts of the awards. Winners for Housing Opportunities for Persons with AIDS (HOPWA) technical assistance will be announced in a separate **Federal Register** Notice.

FOR FURTHER INFORMATION CONTACT: Penny McCormack, Department of Housing and Urban Development, Room 7216, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–3176, extension 4391. The TTY number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The purpose of the Community Development Technical Assistance competition is to select providers who can provide assistance in three Community Planning and Development programs. The purposes of technical assistance under these three programs are as follows: Community Housing Development Organizations (CHDOs) Technical Assistance—to promote the ability of CHDOs to maintain, rehabilitate and construct housing for low-income and moderate-income families, to facilitate the education of low-income homeowners and tenants, and to help women who reside in low- and moderate-income neighborhoods to rehabilitate and construct housing in these neighborhoods; HOME Technical Assistance—to help HOME participating jurisdictions design and implement HOME programs including, improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs, and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships; McKinney Act Homeless Assistance Programs Technical Assistance—to provide applicants, grantees, and project sponsors for McKinney Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

The assistance made available in this announcement is authorized by the following: CHDO Technical Assistance—HOME Investment Partnerships Act (42 U.S.C. 12773), 24 CFR part 92; HOME Technical Assistance—HOME Investment Partnerships Act (42 U.S.C. 12781–12783), 24 CFR part 92; McKinney Act Homeless Assistance Programs Technical Assistance—Supportive Housing Technical Assistance, 42 U.S.C. 11381 *et seq.*, 24 CFR 583.140, Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs, the FY 2000 HUD Appropriations Act. The competition was announced in a Super Notice of Funding Availability (SuperNOFA) published in the **Federal Register** on February 24, 2000 (65 FR 9387). Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

A total of $20,108,330 was awarded to 55 providers nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the awardees and amounts of the awards in Appendix A to this document.

Dated: April 16, 2001.

Donna M. Abbenante,

Acting General Deputy, Assistant Secretary.

Appendix A

FY 2000 RECIPIENTS OF FUNDING AWARDS FOR THE COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAMS

Technical Assistance Awardee	CHDO	HOME	Homeless assistance	Total
Affordable Housing and Homeless Alliance 810 N. Vineyard Blvd., Suite 212, Honolulu, HI 96817			$10,000	$10,000
AIDS Housing of Washington 2025 First Ave., Suite 420 Seattle, WA 98121			$49,200	$49,200
Artistic Consultants and Investments, Inc., 8320 Aberdeen Road, New Orleans, LA 70126			$40,000	$40,000
Asian Americans for Equality, 108–110 Norfolk Street, New York, NY 10002	$834,400	$750,000		$1,584,400
Capital Access, Inc., 237 Tasker St., Suite 200, Philadelphia, PA 19148		$193, 600		$193,600
Center for Poverty Solutions, 2521 N. Charles Street, Baltimore, MD 21218			$52,000	$52,000
Center for Urban Community Services, Inc., 120 Wall St., 25th Floor, New York, NY 10005			$40,000	$40,000
Coalition on Homelessness and Housing in Ohio, 85 East Gay St., Suite 603, Columbus, OH 43215			$75,250	$75,250
Coastal Enterprises, Inc., 36 Water Street, P.O. Box 268, Wiscasset, ME 04578	$32,800			$32,800
Colorado Coalition for the Homeless, 2100 Broadway, Denver, CO 80205			$30,000	$30,000
Common Ground, 110 Prefontaine Pl South, Suite 504, Seattle, WA 98104		$102,000	48,700	$150,700

FY 2000 RECIPIENTS OF FUNDING AWARDS FOR THE COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAMS—Continued

Technical Assistance Awardee	CHDO	HOME	Homeless assistance	Total
Commmunity Builders, Inc., 95 Berkeley St., Suite 500, Boston, MA 02116	$648,600	$240,540		$889,140
Congress of National Black Churches, Inc., 1225 Eye St., N.W., Washington, DC 20005	$326,300			$326,300
Corporation for Supportive Housing, 50 Broadway, 17th Floor, New York, NY 10004			$279,400	$279,400
Dennison Associates, Inc., 910 17th Street, N.W., Suite 404, Washington, DC 20006		$565,558		$565,558
Development Training Institute, 2510 St. Paul Street, Baltimore, MD 21218	$1,661,300	$1,204,680		$2,865,980
Douglas-Cherokee Economic Authority, 534 E. First North St., P.O. Box 1218, Morristown, TN 37814	$57,600	$43,216	$19,361	$120,177
Education Development Center, Inc., 55 Chapel Street, Newton, MA 02458			$94,689	$94,689
Florida Housing Coalition, Inc., 137 E. Lafayette Street, Suite C, Tallahassee, FL 32301	$38,400	$28,849		$67,249
Grassroots Leadership Development Program, Inc. of Lorain County, 1875 North Ridge Road East, Suite A, Lorain, OH 44055	$80,000			$80,000
Homebase/The Center for Common Concerns, Inc., 870 Market St., Suite 1228, San Francisco, CA 94012			$146,000	$146,000
Hudson Planning Group, Inc., 180 Varick St., 16th Floor, New York, NY 10014			$129,150	$129,150
ICF Incorporated, 9300 Lee Highway, Fairfax, VA 22031		$2,885,577		$2,885,577
Indiana Association for Community Economic Development, 324 West Morris Street, Indianapolis, IN 46225	$57,600			$57,600
Iowa Coalition for Housing and the Homeless, 713 E. Locust Street, Des Moines, IA 50309	$44,727		$44,597	$89,324
Little Tokyo Service Center, Inc., 213 E. Third Street, Suite G106, Los Angeles, CA 90013	$100,000			$100,000
Local Initiatives Support Corporation, 733 Third Ave., 8th Floor, New York, NY 10017	$969,140	$241,350		$1,210,490
Low Income Housing Development Corporation, d/b/a The Affordable Housing Group, 1300 Baxter St., Suite 269, Charlotte, NC 28204	$124,800	$116,326	$16,800	$257,926
Low Income Housing Institute, 2407 First Ave., Suite 200, Seattle, WA 98121			$48,000	$48,000
Maryland Center for Community Development, 1118 Light Street, Baltimore, MD 21230	$38,400	$37,000		$75,400
Massachusetts Housing and Shelter Alliance, 5 Park Street, Boston, MA 02108			$5,000	$5,000
Minnesota Housing Partnership, 1821 University Ave., W, S–137, Saint Paul, MN 55104	$156,000	$78,000	$74,400	$308,400
National Affordable Housing Training Institute, 2025 M St., N.W. 8th Floor, Washington, DC 20036	$416,740	$876,000		$1,292,740
National Puerto Rican Coalition, 1700 K St., N.W., Suite 500, Washington, DC 20006	$167,800	$50,000	$272,300	$490,100
Neighborhood Partnership Fund, 1020 SW Taylor, Suite 680, Portland, OR 97205	$59,459	$102,000		$161,459
North Carolina Association of CDCs, P.O. Box 26208, Raleigh, NC 27611	$50,400		16,000	$66,400
Northwest Regional Facilitators, 525 E. Mission Avenue, Spokane, WA 99202	$96,941			$96,941
Ohio CDC Association, 35 E. Gay St., Suite 400, Columbus, OH 43215	$60,800			$60,800
Oklahoma Department of Commerce, 900 North Stiles, Oklahoma City, OK 73126			$25,000	$25,000
Partnership Center, Ltd., 7828 Shadowhill Way, Cincinnati, OH 45242			$73,450	$73,450
PPEP Microbusiness and Housing Development Corporation, 1100 East Ajo Way, Suite 209, Tucson, AZ 85713	$256,000			$256,000
Rural Communities Assistance Corporation, 3120 Freeboard Drive, Suite 201, West Sacramento, CA 95691	$473,600	$368,000	$94,000	$935,600
South Middlesex Opportunity Council, Inc., 300 Howard Street, Framingham, MA 01701			$34,000	$34,000
State of Alaska Housing Finance Corporation, P.O. Box 101020, Anchorage, AK 99510	$30,000	$50,000	$40,000	$120,000
Statewide Housing Action Coalition, 202 S. State Street, Suite 1414, Chicago, IL 60604	$156,800			$156,800
Supportive Housing Network of New York, 475 Riverside Drive, Suite 250, New York, NY 10115		$39,150	$245,870	$285,020
Technical Assistance Collaborative, Inc., One Center Plaza, Suite 310, Boston, MA 02138			$175,400	$175,400
Texas Homeless Network, 200 East 8th Street, Austin, TX 78701			$169,756	$169,756
TONYA, Inc., 1000 Vermont Ave., N.W., Suite 500, Washington, DC 20005		$751,354	$836,730	$1,588,084
Training and Development Associates, Inc., 215–C Lauchwood Drive, Laurinburg, NC 28352			$430,450	$430,450
Univ. of Massachusetts Boston Office of Research & Sponsored Programs, 100 Morrissey Boulevard, Boston, MA 02125			$70,000	$70,000
Vermont Housing and Conservation Board, 149 State Street, Montpelier, VT 05602	$98,400			$98,400

FY 2000 RECIPIENTS OF FUNDING AWARDS FOR THE COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAMS—Continued

Technical Assistance Awardee	CHDO	HOME	Homeless assistance	Total
Virginia Department of Housing and Community Development, 501 N. Second Street, The Jackson Center, Richmond, VA 23219	$96,000	$96,000		$192,000
Wisconsin (State) Department of Administration, Division of Housing, 101 E. Wilson St., 4th Fl., P.O. Box 8944, Madison, WI 53708			$78,100	$78,100
Wisconsin Partnership for Housing Development, Inc., 121 South Pinckney Street, Suite 200, Madison, WI 53703	$284,520	$108,000		$392,520

[FR Doc. 01–10046 Filed 4–23–01; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent to Prepare Comprehensive Conservation Plans for Okefenokee National Wildlife Refuge, Charlton, Ware, and Clinch Counties, Georgia, and Baker County, Florida; and Banks Lake National Wildlife Refuge, Lanier County, Georgia

SUMMARY: This notice advises the public that the Fish and Wildlife Service intends to gather information necessary to prepare a comprehensive conservation plan and associated environmental documents for each of the above stated refuges, pursuant to the Service's Comprehensive Conservation Planning Policy and the National Environmental Policy Act and implementing regulations to achieve the following:

(1) advise other agencies and the public of our intentions; and

(2) obtain suggestions and information on the scope of issues to include in the environmental documents.

DATES: The Service intends to hold public scoping meetings and collect information and suggestions through November 1, 2001, for Okefenokee National Wildlife Refuge, and December 31, 2001, for Banks Lake National Wildlife Refuge. A minimum of two meetings will be held regarding the plan for Okefenokee Refuge and one meeting will be held for Banks Lake Refuge. Mailings, newspaper articles, radio announcements, and postings on the refuge webstie will be the avenues to inform the public of the dates and times for these meetings.

ADDRESSES: Address comments and requests for more information to the following: Refuge Manager, Okefenokee National Wildlife Refuge, Comprehensive Conservation Planning, Route 2, Box 3330, Folkston, Georgia 31537, (912) 496–7366, (912) 496–3332 (Fax).

Information concerning these refuges may be found at the following website: http://okefenokee.fws.gov

If you wish to comment, you may submit your comments by any one of several methods. you may mail comments to the above address. you may also comment via the Internet to the following address: sara_aicher@fws.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact Sara Aicher directly at the above address. finally, you may hand-deliver comments to Sara Aicher at Okefenokee National Wildlife Refuge-East Entrance, 11 miles southwest of Folkston, Georgia. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

SUPPLEMENTARY INFORMATION: It is the policy of the Fish and Wildlife Service to have all lands within the National Wildlife Refuge System managed in accordance with an approved comprehensive conservation plan. The plan guides management decisions and identifies the goals, objectives, and strategies for achieving refuge purposes. Public input into this planning process is encouraged. The plan will provide other agencies and the public with a clear understanding of the desired conditions of the refuge and how the Service will implement management strategies.

Okefenokee National Wildlife Refuge was established by Executive Order in 1937 and consists of 395,080 acres. The primary purpose of the refuge is to protect the ecological system of the 438,000-acre Okefenokee Swamp. In 1986, the refuge was designated by the Wetlands Convention as a Wetland of International Importance.

Banks Lake National Wildlife Refuge, established in February 1985, was authorized under the Fish and Wildlife Act of 1956, and funded through provisions of the Land and Water Conservation Fund Act of 1955. The purpose of the refuge is to protect and conserve a unique environment and migratory and resident wildlife.

Dated: March 30, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–10143 Filed 4–23–01; 8:45 am]
BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Application To Amend an Endangered Species Act Incidental Take Permit: Inclusion of the Canada Lynx on the Washington Department of Natural Resources Permit for Western Washington

AGENCY: Fish and Wildlife Service.

ACTION: Notice of Permit Amendment Application.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (Service) has received a request to add the Canada lynx (*Lynx canadensis*) to the list of species covered by incidental take permit PRT–812521, issued to the

Washington Department of Natural Resources (WDNR). This request is provided for under the Implementation Agreement for the Habitat Conservation Plan (Plan) accompanying the incidental take permit, and applies to forest management activities on WDNR lands west of the crest of the Cascade Mountain Range in the State of Washington. The purpose of this notice is to seek public comment on the Service's proposed permit amendment.

DATES: Written comments regarding the Service's proposal to add the Canada lynx to the WDNR permit must be received on or before May 24, 2001.

ADDRESSES: Written comments should be addressed to Jon Avery, U.S. Fish and Wildlife Service, 510 Desmond Drive, SE., Suite 102, Lacey, Washington 98503. Documents cited in this notice and comments received will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Jon Avery, Wildlife Biologist, U.S. Fish and Wildlife Service, 510 Desmond Drive, SE., Suite 102, Lacey, Washington 98503, (360) 753–5824.

SUPPLEMENTARY INFORMATION: On January 30, 1997, the Service issued an incidental take permit (PRT–812521) to WDNR, pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1532 et seq.). The Plan and an Environmental Impact Statement associated with the original permit decision analyzed the effects that implementing the Plan would have on listed species and unlisted species including the Canada Lynx. The original permit authorizes the incidental take of the threatened northern spotted owl (*Strix occidentalis caurina*), and other listed species, in the course of otherwise legal forest management activities related to timber and non-timber resource uses within the range of the northern spotted owl that occurs on WDNR lands.

Pursuant to the Plan and the Implementation Agreement, WDNR also received assurances from the Service, with respect to WDNR-manager land west of the Cascade Crest, that specific, unlisted species would be added to the permit upon their listing under the Act in accordance with the Plan and the Implementation Agreement.

On March 24, 2000, the Service listed the Canada lynx as a threatened species throughout its range in the contiguous United States (65 FR 16051). On April 25, 2000, WDNR requested that the Canada lynx be added to their permit. The Service is proposing to respond to WDNR's request and determine if adding the Canada lynx occurring west of the Cascade Crest to the WDNR permit is appropriate.

Following the proposal to list the Canada lynx as threatened or endangered under the Act the Service receives significant public comments and data. The Service is reviewing that information to determine if the Service's initial Canada lynx determinations for the WDNR permit remains valid. The findings of that review along with any new information obtained through this public comment request will be used in the Service's decision making process.

According to the Implementation Agreement for the WDNR Plan, if any species addressed in the Plan that was unlisted at the time of permit issuance subsequently becomes listed under the Act, WDNR may request a permit amendment to have the species added to their permit with respect to their lands west of the Cascade Crest. Under the terms of the Plan and the Implementation Agreement, the Service would add the newly listed species to the WDNR permit without requiring additional mitigation unless extraordinary circumstances exist. Extraordinary circumstances defined in the WDNR Implementation Agreement to mean continued WDNR Plan management activities that would result in a substantial and material adverse change in the status of a species that was not foreseen on the effective date of the Implementation Agreement and that can be remedied by additional or different mitigation measures on the permit lands.

Prior to adding the Canada lynx to the WDNR permit, the Service will determine whether adding this species to WDNR's permit would appreciably reduce the likelihood of its survival and recovery of the wild. To make this determination, the Service will follow the section 7 process under the Act. The Service will also determine whether the permit amendment meets each of the issuance criteria described in section 10(a)(2)(B) of the Act and that extraordinary circumstances have not occurred since initial permit issuance.

At the time of initial permit issuance, the Service made a preliminary determination that the WDNR Plan adequately provided for the conservation of the Canada lynx. The Service included that analysis as Appendix B (Analysis of Impacts of the Washington Department of Natural Resources Habitat Conservation Plan on unlisted Species Within the Planning Area) of the Statement of Findings. In that analysis the Service noted that the Canada lynx uses a mosaic of forest types from early-successional to mature conifer and deciduous forests and the presence of snowshoe hares, a species upon which they are almost totally dependent as prey. The Canada lynx forages in early-successional forests and dens in mature forests.

The Service analysis further determined that the Canada lynx could occur on WDNR-managed lands west of the Cascade Crest but that the likelihood is low. The WDNR-managed lands most likely to support the Canada lynx would be the higher elevation lands in proximity to National Forests. The location of these lands is similar to the location of lands that will be managed under the habitat conservation plan for northern spotted owl nesting and foraging habitats (NRF-management areas). The service expects the amount of early seral forest to decrease in these areas while the amount of complex forest will increase. However, the quality of the early seral forest habitat will increase under the Plan due to conservation measures associated with structural retention and other harvest practices, as well as a reduction in and regulation of herbicide spraying. In addition to the amount and quality of managed forests provided by the WDNR plan, the Canada lynx is expected to benefit from the mosaic of natural habitats including avalanche chutes, high-elevation meadows, and old burns. The Service also determined in the analysis for the original permit that species such as the snowshoe hare will find sufficient amounts of foraging and hiding habitat within the Plan area throughout the terms of the permit thus providing the essential prey-based necessary for Canada lynx to possibly occupy WDNR-managed lands west of the Cascade Crest.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the regulations of the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated document, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that those requirements are met, we will issue a permit to the Applicant for the incidental take of the Canada lynx. We will make our final permit decision no sooner that 45 days from the date of this notice.

Dated: March 9, 2001.

Rowan W. Gould,

Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 01–10066 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Environmental Statements; Availability etc: Incidental Take Permits—Bastrop County, TX; Houston Toad and Bald Eagle

Notice of Availability of a Revised Environmental Assessment/Habitat Conservation Plan for Permit Numbers TE–025997–0 and TE–025965–0 for Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the Incidental Take of the Endangered Houston Toad and the Threatened Bald Eagle During the Construction and Occupation of Single Family Residences or Other Similar Structures (each on approximately 0.5 acres or less) in 46 Subdivisions in Bastrop County, Texas.

SUMMARY: The U.S. Fish and Wildlife Service has prepared a revised Environmental Assessment/Habitat Conservation Plan (EA/HCP) for issuance of Endangered Species Act Section 10(a)(1)(B) permits (numbers TE–025997–0 and TE–025965–0) for the incidental take of the endangered Houston toad (*Bufo houstonensis*) and threatened bald eagle (*Haliaeetus leucocephalus*). The revised EA/HCP adds the bald eagle to the existing 46-subdivision EA/HCP that currently only covers the Houston toad. In addition, the proposed EA/HCP would allow for the construction of other similar structures, as long as the action on the property disturbs no more than approximately 0.5 acres of habitat within each eligible lot. The Service proposes issuing endangered species permits to individual lot owners under an EA/HCP, where each permit would authorize the incidental take of the Houston toad and bald eagle, directly or indirectly, from the construction and occupation of a single-family residence or other similar structure on an undeveloped lot in the 46 subdivisions covered under this EA/HCP. This revised EA/HCP will allow for responsible development of the lots while minimizing and offsetting impacts to the Houston toad and bald eagle by providing for on-site and off-site conservation measures that will be used to promote the long-term survival of the species. It is also considered to provide the most simplified, expeditious, and effective process by which landowners can comply with the provisions of the Endangered Species Act in a more efficient manner. The revised EA/HCP requires the same avoidance, minimization, and mitigation efforts from every lot owner, within their respective category. Issuance of incidental take permits for the Houston toad and bald eagle will be conducted as they are currently for the Houston toad.

DATES: Written comments on the revision are being accepted and should be received on or before June 25, 2001.

ADDRESSES: Persons wishing to review the revised EA/HCP may obtain a copy by contacting: the Austin Office of the U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request, or by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the proposed revisions should be submitted to the Field Supervisor, Austin Field Office of the U.S. Fish and Wildlife Service, at the above address. Please refer to permit numbers TE–025997–0 and TE–025965–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Contact the Austin Office of the U.S. Fish and Wildlife Service at the above address.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered and threatened species such as the Houston toad and bald eagle. However, the Service, under limited circumstances, may issue permits to take threatened and endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has divided the 46 subdivisions into two categories, those in low/marginal quality Houston toad habitat, and those in medium quality Houston toad habitat. The revised EA/HCP and associated permits (TE–025997–0 and TE–025965–0) will be in effect for a period of 5 years, and authorize the incidental take of the Houston toad and bald eagle. The proposed take to the Houston toad would occur as a result of the possible construction and occupation of undeveloped lots, utilizing no more than approximately 0.5 acres per eligible property, in 46 subdivisions in Bastrop County, Texas. The proposed take to the bald eagle is anticipated to occur only in the form of harassment, such as an increase in noise generated from the 46 subdivisions and increased recreational use of area lakes and the Colorado River. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Geoffrey L. Haskett,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–10062 Filed 4–23–01; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Environmental Statements; Availability, etc: Incidental Take Permits—Travis County, TX; Golden Cheeked Warbler

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Occupation of Residential and Commercial Development on Portions of the Approximately 740-acre Ribelin Ranch Property, Austin, Travis County, Texas.

SUMMARY: Ribelin Ranch Partners, Ltd., Lucia Francis, and Charles Ribelin (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Application has been assigned permit number TE–040090–0. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction and occupation of residential and commercial development on portions of the approximately 740-acre Ribelin Ranch Property on R.M. 2222, Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 60 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before June 25, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S.

Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the above address. Please refer to permit number TE–040090–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Sybil Vosler at the above Austin Ecological Service Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Ribelin Ranch Partners, Ltd., Lucia Francis, and Charles Ribelin plan to construct residential and commercial development on 160 acres of the approximately 740-acre Ribelin Ranch Property on R.M. 2222, Austin, Travis County, Texas. This action will indirectly impact the habitat of the golden-cheeked warbler. The development will eliminate approximately 168 acres of golden-cheeked warbler habitat which may result in the take of 10 to 12 golden-cheeked warbler territories. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving 240 acres of GCW habitat in perpetuity; minimization of on-site habitat destruction; education and encouragement of the homeowners in the use of xeriscaping, clearing only between August 1 to March 1 when the warblers are not present; and prohibition of deer and bird feeders that encourage the growth of populations of species that parasitize, predate or out-compete the golden-cheeked warbler or destroy its habitat. Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible and alteration of the project design would increase the impacts.

Geoffrey L. Haskett,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–10063 Filed 4–23–01; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Procedures for Selecting and Funding Multistate Conservation Grants Under the Federal Aid in Sport Fish and Wildlife Restoration Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service is announcing procedures for obtaining funding for multistate conservation project grants (Catalog of Federal Domestic Assistance Number 15.628) for FY 2002. Up to $3,043,255 is available for these grants in Wildlife Restoration funds and up to $3,265,392 in Sport Fish Restoration funds.

DATES: Grant application materials must be received by the International Association of Fish and Wildlife Agencies (IAFWA) by June 15, 2001.

ADDRESSES: Grant application materials may be mailed or e-mailed to: Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies, 444 N. Capitol Street NW., Suite 544, Washington, DC 20001; phone, (202) 624–7890; e-mail, rmiles@sso.org.

FOR FURTHER INFORMATION CONTACT:

Regarding a specific grant: Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies; phone, (202) 624–7890; e–mail, rmiles@sso.org.

Regarding the Multistate Conservation Grant Program: Mr. Kris E. LaMontagne, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service; phone, (703) 358–2156; e-mail, kris_e_lamontagne@fws.gov.

SUPPLEMENTARY INFORMATION: The Service publishes a Notice in the **Federal Register** each year announcing the deadline for project proposals, the amount of money available for multistate conservation project grants, and the National Conservation Needs. National Conservation Needs are established annually to promote and encourage efforts that address priority needs of State fish and wildlife agencies.

National Conservation Needs contained in this Notice were developed by the IAFWA through a committee consisting of heads of State fish and wildlife agencies (or their designees). The committee developed the National Conservation Needs in consultation with nongovernmental organizations that represent conservation organizations, sportsmen's organizations, and industries that support or promote sport fishing, hunting, trapping, recreational shooting, bow hunting, or archery. National Conservation Needs are provided as a guide so that applicants will know the types of projects that will likely be funded.

Eligible grantees are a State or group of States; the Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; or nongovernmental organizations, subject to the following restrictions. Nongovernmental organizations that apply for a grant must submit with the application to the IAFWA a certification that the organization will not use grant funds to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife, or the regulated taking of fish.

The Department of the Interior has promulgated rules (43 CFR part 12) adopting common rules developed by the Office of Management and Budget (OMB) as required by OMB Circulars A–102 and A–110 that contain administrative requirements that apply to these grants. This annual grant program contains information collection requirements for which approval by the OMB under the Paperwork Reduction Act of 1995, as specified in 43 CFR part 12.4, has been obtained (OMB control number 1018–0109, expires January 31, 2004, and 1018–0049, expires September 30, 2003). The Application for Federal Assistance (the Standard Form 424 series) prescribed by OMB Circulars A–102 and A–110 and required as part of this application process have the OMB control number 0348–0043.

A. Purpose

This statement establishes procedures for selecting multistate conservation project proposals to be funded through the Federal Aid in Sport Fish and Wildlife Restoration Programs for the purpose of promoting and encouraging efforts that address priority needs of State fish and wildlife agencies. These projects are funded through grants to a State or group of States; the Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and

Wildlife-Associated Recreation; or nongovernmental organizations.

B. Background

The mission of the Multistate Conservation Grant Program is to strengthen the ability of State and Territorial fish and wildlife agencies to meet effectively the consumptive and nonconsumptive needs of the public for fish and wildlife resources. The Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act as amended by the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Pub. L. 106–408) authorize the Secretary of the Interior to make not more than $6,000,000 available annually under the Federal Aid Program for the purpose of funding multistate conservation project grants.

C. Availability of Funds

In Fiscal Year 2002, the amount of funds estimated to be available for multistate conservation project grants is $6,308,647 through the Federal Aid in Sport Fish and Wildlife Restoration Programs. This figure includes $308,647 unobligated funds carried over from Fiscal Year 2001.

D. Period of Availability

Amounts made available under this Program for multistate conservation project grants will remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year (available for obligation for two fiscal years).

E. Eligible Grantees

A multistate conservation project grant may be made only to:

1. A State or group of States;

2. The Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; or

3. Nongovernmental organizations, subject to the following restrictions. A nongovernmental organization that applies for a grant must submit with the application to the IAFWA a certification that the organization will not use grant funds to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife or the regulated taking of fish.

F. Eligible Projects

A project is not eligible for a grant unless the project will benefit:

1. At least 26 States;

2. A majority of the States in a Region of the Service; or

3. A regional association of State fish and wildlife departments.

G. Application Process

1. All grant application materials for Multistate Conservation Grant Program funding must be mailed or e-mailed to: Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies, 444 N. Capitol Street NW., Suite 544, Washington, DC 20001; phone, (202) 624–7890; fax, (202) 624–7890; e-mail, rmiles@sso.org. See guidance below for electronic submission of proposals.

2. Each year, a Notice will be published in the **Federal Register** announcing the deadline for submitting grant application materials (see Appendix A, Calendar of Events). The Notice will also announce total funds available for multistate conservation project grants.

H. Submission Requirements

To submit a project proposal through the mail, an original hard copy and a floppy disk that contains the narrative portion of the proposal (excluding required forms) must be submitted to Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies, 444 N. Capitol Street NW., Suite 544, Washington, DC 20001; phone, (202) 624–7890. In addition, hard copies of the Application for Federal Assistance (Standard Form 424 series) must also be submitted.

Electronic submission via e-mail of the narrative portion of project proposals is encouraged and should be addressed to rmiles@sso.org. Applicants who submit proposals using e-mail are required to submit hard copies of the Application for Federal Assistance (Standard Form 424 series) to the above address or fax them to (202) 624–7890, Attention: Mr. Robert L. Miles.

The following forms and format for proposals are required. Applicants are strongly encouraged to limit the narrative portion of proposals to 10 pages or less.

1. *Application for Federal Assistance*—Standard Form 424 as prescribed by Office of Management and Budget Circular A–110, OMB Circular A–102, and the common rule (Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments and Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). The SF 424 consists of a coversheet, the SF 424A consists of a budget sheet, and the SF 424B consists of compliance assurances. These forms may be obtained electronically by going to http://fa.r9.fws.gov and clicking on ''FA Toolkit in PDF Format'', then clicking on ''Forms''. Proposals received without these forms will not be accepted.

2. *Title*—A short descriptive name of the proposal.

3. *Objective*—What will this proposal do? State a concise statement of the purpose of the proposal in quantified terms where possible.

4. *Need*—Why address this problem?

a. State any National Conservation Need that the proposal addresses in whole or in part.

b. Describe the number of States affected by the proposal or the regional association of State fish and wildlife departments and how they will benefit.

c. Give a brief status report on the history of previous work conducted by the proposer or others to address this need.

5. *Expected Results or Benefits*—What will be gained by funding this proposal? Describe the significance of accomplishing the proposal. Describe provisions for making the product or results available and usable to those affected by the problem or need. Benefits should be expressed in quantified terms, *i.e.,* angler days, harvest per unit effort, improvements to State administration, dollars saved, etc. If the proposal relates to the accomplishment of all or part of a National Conservation Need, state how.

6. *Approach*—How will the proposed project be conducted? Describe how the work will be conducted including a description of techniques and methods to be used, milestones, and a schedule of accomplishments.

7. *Resumes*—What are the qualifications of key personnel? Include resumes and names of key individuals who will be involved in the project, stating their particular qualifications for undertaking the project.

8. *Project Costs*—Submit a completed SF 424A, Budget Information—Non-Construction Programs. Multi-year proposals must include an itemized budget showing funds required for each 12-month period. With the exception of the National Survey of Fishing, Hunting and Wildlife-Associated Recreation, a project can be funded for a period of not more than three years.

I. National Conservation Needs Determination Process

National Conservation Needs are developed by State fish and wildlife agencies, acting through the committees of the IAFWA and must satisfy all the following:

1. Identifies a problem that restricts the ability of State and Territorial fish and wildlife agencies to effectively meet the needs of the public for fish and wildlife resources;

2. Impacts the fish and wildlife resources or fish and wildlife programs of at least 26 States; a majority of the States in a Region of the Service; or a regional association of State fish and wildlife departments;

3. Is an obvious, continuous, and pressing resource management problem, or a recently identified problem that is significant and urgent;

4. Can be met by a practical and economically feasible management approach that will result in improved resource management or environmental quality;

5. Could not practically be addressed by a single State or small group of States; and

6. Represents a need that is not being fully addressed by a current project.

J. National Conservation Needs for Fiscal Year 2002

State fish and wildlife agencies, acting through the committees of the IAFWA, developed the following eight National Conservation Needs for this grant period.

1. National Enhancement of Wildlife Health Services to Wildlife Managers

The capability to deliver wildlife health-related services is not uniform throughout the United States. Information on wildlife health issues is vital to the development and defense of sound management programs and policies for wildlife. Natural resources agencies must pursue ways to have greater health management expertise available within the wildlife management profession. Methods and programs to enhance delivery of wildlife health services to wildlife managers and wildlife management agencies need to be developed and facilitated.

2. Development and Implementation of Strategies and Programs That Integrate a Sound Marketing and Communications Approach

Current and projected demographic changes within the United States population are, and will continue to have significant impacts on program planning, funding strategies and policy development decisions of state fish and wildlife agencies. These agencies need the information, tools and training necessary to enhance the participation of traditional and non-traditional/under-represented constituencies in wildlife management and wildlife associated recreation. In addition to these basic tools, there is a national need to better understand the processes of retention and recruitment in wildlife associated recreation. State fish and wildlife agencies also need up-to-date information on the various approaches that other States are using to address this need and their degree of success.

3. Approval of Aquaculture Drugs and Chemicals

There is an urgent need for approval of a wide range of drugs and chemicals for use in aquaculture. Thirty-eight states have joined in a cooperative project with the U.S. Geological Service, U.S. Fish and Wildlife Service and the Department of Agriculture to conduct the studies needed to gain approval for eight important drugs for use in disease prevention and treatment of a wide variety of fish species. While much progress has been made, additional studies are needed to generate efficacy and other data required for the approval of all eight drugs and completion of the cooperative project.

4. Programs That Enhance and Improve the Ability of State Fish and Wildlife Agencies To Administer Their Agency and Manage the Wildlife Resources of Their State

Over the years, several projects have evolved that have provided State fish and wildlife agencies with information, expertise, employee training, agency and program evaluations, reference services, etc. Examples are the National Survey of Fishing, Hunting and Wildlife Associated Recreation, the Management Assistance Team, and the Library Reference Service. These projects have provided State fish and wildlife agencies with information and assistance at a reduced cost that they would have had difficulty obtaining on their own. A need exists for similar types of projects that improve the ability of State fish and wildlife agencies to administer their agencies and carry out their mandated responsibilities more effectively and efficiently.

5. Wildlife Habitat Management on Conservation Reserve Program Lands

When the Conservation Reserve Program (CRP) was reauthorized as part of the 1996 Farm Bill, the enhancement of wildlife resources became a co-equal program objective, along with reduced soil erosion and improved water quality. CRP uses the Environmental Benefits Index (EBI) to determine lands accepted into the Program. Wildlife habitat values, including maintenance of plant species diversity, are an important factor in calculation of EBI scores. However, maintenance of plant species diversity requires frequent disturbance of the grass stand, often using tools such as burning and discing instead of more traditional mowing.

Specific information is needed on how vegetative structure and plant species diversity and habitat values (insect population, brood value, etc.) change over time on CRP lands, the relationships among habitat quality and disturbance type, the frequency and type of disturbance needed, and the identification of those native legumes and native cool-season grasses which will achieve the desired habitat conditions of a better simulated native grassland system.

6. Programs That Support Hunter, Trapper and Shooting Sports Recruitment

The percentage of the general population that hunts and traps has shown a general decline over the past decade. Reversing this decline will strengthen state fish and wildlife agencies by broadening public and financial support for conservation programs. Programs are needed at both the state and national level that will lead to the reversal of this trend and result in increased hunting, trapping and shooting sports participation, with priority going to those programs that increase funding support for state agencies.

7. Integrated Bird Conservation

The challenges, significance, and conservation opportunities associated with ''integrated bird conservation'' are becoming increasingly apparent and remain a top priority of the State fish and wildlife agencies. The need for coordination and implementation of such national and international efforts including the North American Waterfowl Management Plan, US Shorebird Conservation Plan, Partners in Flight Plan, North American Waterbird Conservation Plan, as well as interest in resident game birds is great. State fish and wildlife agencies, and their partners need assistance in addressing the challenges associated with integrated bird conservation and accelerating implementation of such programs. Projects are needed that will create greater conservation efficiencies, address the concerns and desires of the various bird related groups, lead to more effective conservation actions implemented within a landscape context, better and more directly address the diverse array of bird conservation priorities, address integration of resident wildlife conservation actions with those of

migratory birds at the State level, and foster partnerships at all levels.

8. Multistate Planning Efforts To Address Conservation Needs of Species at Risk

Assistance is needed for facilitating multi-state and more localized planning efforts to develop conservation agreements for species of concern that address the species life needs and habitat requirements prior to their designation as candidate species or subsequent listing under the Federal Endangered Species Act.

K. Project Proposal Review and Selection Process

1. Project proposals will be evaluated for eligibility as defined in Section F and ranked by appropriate committees of the IAFWA at their annual September meeting. The National Grants Committee appointed by the President of the IAFWA will review the Committees' evaluations and rankings and prepare a recommended priority list of project proposals for submission to the IAFWA's Annual Business Meeting.

2. The Directors of the State fish and wildlife agencies will approve a priority list of project proposals for funding at the IAFWA's Annual Business Meeting.

3. In preparing this list, the IAFWA will consult with nongovernmental organizations that represent conservation organizations, sportsmen's organizations, and industries that support or promote sport fishing, hunting, trapping, recreational shooting, bow hunting, or archery.

4. The IAFWA will submit the priority list of projects to the Services' Assistant Director for Migratory Birds and State Programs by October 1, 2001.

5. The Service will publish the priority list in the **Federal Register**.

6. The Service Director will make the final decision on projects to be awarded grants. The Director will award grants only to projects included in the priority list submitted by the IAFWA.

L. Grant Awards and Funding

1. The Service will prepare and sign the formal grant agreements. The formal grant agreements will be forwarded to the grantees for signature and must be signed by a Service representative and an authorized grantee official before they become valid agreements. This process may require up to 60 days to complete. The Service is not responsible for costs incurred prior to the effective date of a signed agreement; therefore, the starting date for all projects should be planned accordingly.

2. The entire amount of funds required for a project must be obligated in the fiscal year the grant is approved (as per guidance in 50 CFR part 80.8).

3. Nonprofit, commercial and institutions of higher education grantees must maintain a financial management system in accordance with the Office of Management and Budget Circular A–110 and 43 CFR part 12, subpart F. State and local governments must maintain a financial management system in accordance with OMB Circular A–102 and 43 CFR part 12, subpart C.

M. Project Administration

Proposals awarded funding will be assigned to a Project Officer. Project Officers provide assistance that includes:

1. Serving as the Service's point of contact after the award agreement is signed;

2. Receiving and approving invoices; and

3. Monitoring project performance and assuring that the award recipient adheres to the award agreement.

CALENDAR OF EVENTS—APPENDIX A

Target Date	Event
April 16	Service publishes FEDERAL REGISTER Notice announcing availability of Multistate Conservation Grant Program funds and National Conservation Needs for grant applications.
June 15	Grant application materials must be received by the IAFWA.
September	The Directors of the State fish and wildlife agencies will approve a priority list of project proposals for funding at the IAFWA's Annual Business Meeting.
October 1	The IAFWA submits a priority list of projects to the U. S. Fish and Wildlife Services' Assistant Director for Migratory Birds and State Programs.
November 15	Service publishes FEDERAL REGISTER Notice of priority list of projects submitted by the IAFWA.
January 30	Service awards grants.

Dated: April 7, 2001.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 01–10145 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Publishing the Priority List, and Projects Approved, With Qualifiers, Under the Multistate Conservation Grant Program Submitted to the Secretary by the International Association of Fish and Wildlife Agencies

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice—Multistate Conservation Grant Program.

SUMMARY: The Service is publishing the priority lists for the Multistate Conservation Grant Program submitted to the Secretary of the Interior by the International Association of Fish and Wildlife Agencies. This notice is required by the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. Grants will be made from this list.

DATES: This notice is effective April 24, 2001.

ADDRESSES: Copies of proposals may be viewed at the U.S. Fish and Wildlife Service offices at 4401 North Fairfax Drive, Suite 140, Arlington, Virginia 22203 daily until May 24, 2001.

FOR FURTHER INFORMATION CONTACT: Kris E. LaMontagne, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 140, Arlington, Virginia 22203, (703) 358–2156.

SUPPLEMENTARY INFORMATION: The Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Pub. L. 106–408) established a Multi-State Conservation Grant Program within the Federal Aid in Wildlife Restoration and Federal Aid in Sport Fish Restoration Acts, commonly known as the Pittman-Robertson and Dingell-Johnson/Wallop-Breaux Acts, respectively. The program authorizes grants of up to $3 million annually from funds available under each Act, for a total of up to $6 million annually. The grants are to be made from a list of

recommendations submitted by the International Association of Fish and Wildlife Agencies, representing the State fish and wildlife agencies. The Director, exercising the authority of the Secretary, need not fund recommended projects, but may not fund projects which are not recommended. The Acting Director of the Fish and Wildlife Service approved the list, with qualifiers, on January 31, 2001.

To be eligible for consideration, a project must benefit fish and/or wildlife conservation in at least 26 States, a majority of the States in a Fish and Wildlife Service Region, or a regional association of State fish and wildlife agencies. Grants may by made to a State or group of States, to non-governmental organizations, and, solely for carrying out the National Survey of Fishing, Hunting and Wildlife-Associated Recreation, to the Fish and Wildlife Service.

The priority lists of projects submitted by the IAFWA:

FEDERAL AID IN WILDLIFE RESTORATION ACT PROPOSALS

[FY–2001]

1. National Survey of Hunting Fishing and Wildlife-Associated Recreation	$1,395,348
2. Management Assistance Team for State Fish and Wildlife Agencies	251,248
3. The Fish and Wildlife Reference Service	157,500
4. Outreach Project: Improving National Wildlife Capture Programs and Implementing Best Management Practices	327,376
5. Workshops on Integrated Migratory Bird Management	298,350
6. Wildlife Law News Quarterly	5,000
7. Automated Wildlife Data Systems Project Coordination	96,525
8. Factors Relating to Hunting and Fishing Initiation, Participation, and Retention Among the Nation's Youth	168,360
9. Assisting States in Reaching Underrepresented Groups, Specifically Ethnic Minorities and Women with Disabilities through the Becoming an Outdoors-Woman Program	139,730
10. Science and Civics: Sustaining Wildlife, Involving High School Students and Addressing Wildlife Needs	27,358
11. Step Outside	89,950
	2,956,745

FEDERAL AID IN SPORT FISH RESTORATION ACT PROPOSALS

[FY–2001]

1. National Survey of Hunting Fishing and Wildlife-Associated Recreation	$1,395,348
2. Management Assistance to State Fish and Wildlife Agencies	251,248
3. The Fish and Wildlife Reference Service	157,500
4. The Collection of Pivotal Field Efficacy Data to Support a New Animal Drug Approval for the Use of Florfenicol (Aquaflor™) to Control Mortality Caused by Bacterial Pathogens in Cultured Fish	216,775
5. Analytical Support of Pivotal Efficacy Trials for Florfenicol Use in Public Fisheries	36,689
6. Strengthen and Expand the National ''Hooked on Fishing-Not on Drugs'' Program	150,125
7. Wildlife Law News Quarterly	5,000
8. Automated Wildlife Data Systems Project Coordination	96,525
9. Factors Relating to Hunting and Fishing Initiation, Participation, and Retention Among the Nation's Youth	168,360
10. Assisting States in Reaching Underrepresented Groups, Specifically Ethnic Minorities and Women with Disabilities through the Becoming an Outdoors-Woman Program	139,730
11. Science and Civics: Sustaining Wildlife, Involving High School Students and Addressing Wildlife Needs	27,358
12. Step Outside	89,950
	2,734,608

Dated: February 5, 2001.

Marshall P. Jones, Jr.,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–10048 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Creating the Coldwater River National Wildlife Refuge, Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Director of the U.S. Fish and Wildlife Service approved creating the Coldwater River National Wildlife Refuge (NWR) from the existing Black Bayou Unit of the Tallahatchie National Wildlife Refuge in Grenada, Quitman, and Tallahatchie Counties, Mississippi, to eliminate public confusion and to assist in the Service's administration and management activities. No other changes are proposed.

DATES: This action was effective on January 30, 2001.

FOR FURTHER INFORMATION CONTACT: Steve Thompson, Regional Chief, National Wildlife Refuge System, in Atlanta, Georgia, 404–679–7152.

SUPPLEMENTARY INFORMATION: On January 30, 2001, the Director of the U.S. Fish and Wildlife Service approved creating the Coldwater River NWR from the existing Black Bayou Unit of the Tallahatchie National Wildlife Refuge in Grenada, Quitman and Tallahatchie Counties, Mississippi, to eliminate public confusion and to assist in the Service's administration and management activities.

The Tallahatchie National Wildlife Refuge was established in 1991 with the acquisition of two separate units—the Bear Lake Unit and the Black Bayou Unit. The two units are located in a rural area about 30 miles apart, with a total work area that spreads across approximately 126 miles.

Previously we jointly administered these units, even though they had different public use programs, geographic work areas, and habitat management needs that resulted in significantly different goals and objectives for each unit. Joint administration made our biological assessments, public use reviews and the comprehensive conservation planning process more difficult and complex.

For example, because it is surrounded by lands owned or leased for waterfowl hunting, the Coldwater River NWR (formerly the Black Bayou Unit of the Tallahatchie NWR) is intensively managed and is closed to public access. The Bear Lake Unit is larger and is open for public hunting. However, the similarity of names and closeness in proximity of the two units often resulted in confusion to the public.

Establishing the Coldwater River NWR from the existing Black Bayou Unit of the Tallahatchie NWR eliminates these problems. This action will allow the lands and programs of both the Tallahatchie NWR (Bear Lake Unit) and the Coldwater River NWR to be managed and administered more efficiently, will identify the two units by their major geographical features (the Tallahatchie River and the Coldwater River), and should eliminate confusion when we inform the public of our management activities on each refuge.

Authority: National Wildlife Refuge Administration Act of 1966, as amended (16 U.S.C. 668dd–ee).

Dated: January 30, 2001.

Marshall P. Jones, Jr.,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–10142 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–060–1320–EL, WYW151133]

Federal Coal Lease Application, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of a final Environmental Assessment on the Belle Ayr 2000 Federal Coal Lease Application in the decertified Powder River Federal Coal Production Region, Wyoming.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and implementing regulations and other applicable statutes, the Bureau of Land Management (BLM) announces the availability of a Final Environmental Assessment (EA) for the Belle Ayr 2000 Coal Lease Application, BLM serial number WYW151133, in the Wyoming Powder River Basin. The final EA is being published in abbreviated format. Reviewers will need the *Draft Environmental Assessment for the Belle Ayr 2000 Coal Lease Application,* BLM, December, 2000, for review of the complete EA. The EA analyzes the impacts of issuing a Federal coal lease for the proposed Belle Ayr 2000 Federal coal tract. The Belle Ayr 2000 tract is being considered for sale as a result of a coal lease application received from RAG Wyoming Land Company (RAG) on July 28, 2000. The tract as applied for includes about 243.61 acres containing approximately 29 million tons of recoverable Federal coal reserves in Campbell County, Wyoming.

DATES: Written comments on the final EA will be accepted through May 11, 2001.

ADDRESSES: Please address questions, comments or requests for copies of the EA to the Casper Field Office, Bureau of Land Management, Attn: Nancy Doelger, 2987 Prospector Drive, Casper, Wyoming 82601; or you may e-mail them to the attention of Nancy Doelger at casper_wymail@blm.gov; or fax them to 307–261–7587.

FOR FURTHER INFORMATION CONTACT: Nancy Doelger or Mike Karbs at the above address, or phone 307–261–7600.

SUPPLEMENTARY INFORMATION: The application for the Belle Ayr 2000 tract was filed as a maintenance tract coal lease-by-application (LBA) under the provisions of 43 CFR 3425.1

On July 28, 2000, RAG filed coal lease application WYW151133 for the Belle Ayr 2000 Federal coal tract with the BLM for the following lands:

T. 48 N., R. 71W., 6th P.M., Campbell County, Wyoming
Section 28: Lots 3 through 6;
Section 29: Lots 1 and 6.

Total surface area applied for: 243.61 acres.

RAG had previously applied for a maintenance LBA that encompassed the coal resources included in the Belle Ayr 2000 lease application as well as additional coal resources northwest of the Belle Ayr 2000 lease application area on March 20, 1997. They filed a request to modify the 1997 Belle Ayr LBA by withdrawing the lands included in the Belle Ayr 2000 application on July 28, 2000. RAG then filed a separate lease application for the lands withdrawn from the original LBA and included in Belle Ayr 2000 Tract.

The Powder River Regional Coal Team reviewed the request to modify the Belle Ayr 1997 LBA application and the application for the Belle Ayr 2000 LBA at their public meeting on October 25, 2000, in Cheyenne, Wyoming, and recommended that BLM process it.

The draft EA was released to the public in early January 2001. The comment period on the draft EA ended in early February 2001. A public hearing was held at 7 p.m., MDT, on January 18, 2001, at the Clarion Western Plaza Motel, 2009 S. Douglas Highway, Gillette, Wyoming. The purpose of the hearing was to solicit public comments on the Draft EA, the fair market value, the maximum economic recovery, and the proposed competitive sale of the coal included in the proposed Belle Ayr 2000 Federal coal tract. Three written comment letters were received on the draft EA. They are included, with responses, in the final EA.

The Belle Ayr Mine, which is adjacent to the lease application area, has an approved mining and reclamation plan from the Land Quality Division of the Wyoming Department of Environmental Quality and an approved air quality permit from the Air Quality Division of the Wyoming Department of Environmental Quality to mine up to 45 million tons of coal per year. According to the application filed for the Belle Ayr 2000 tract, the maintenance tract would be mined to maintain production at the existing Belle Ayr Mine. The tract is also contiguous to an existing lease at the Caballo Mine.

The Belle Ayr 2000 tract is bounded on three sides by existing coal leases at the Belle Ayr and Caballo Mines. Under the approved mining plans for these two mines, a large portion of the tract will be disturbed when the adjacent leases are mined in order to recover all of the coal in those leases.

The EA analyzes two alternatives. The Proposed Action is to issue a maintenance lease for the Belle Ayr 2000 tract as applied for to the successful bidder at a competitive sealed bid sale. The second alternative, Alternative 1, is the No Action Alternative, which assumes that the application for the Belle Ayr 2000 tract is rejected.

The Office of Surface Mining Reclamation and Enforcement is a cooperating agency in the preparation of this EA because it is the Federal agency that would recommend approval or disapproval of the Mineral Leasing Act (MLA) mining plan for the Belle Ayr 2000 LBA tract to the Secretary of the Interior, if a lease is issued for the tract.

Comments, including names and street addresses of respondents, will be available for public review at the BLM Casper Field Office, 2987 Prospector Drive, Casper, Wyoming, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives of officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: April 5, 2001.

Alan Rabinoff,

Deputy State Director, Minerals and Lands.

[FR Doc. 01–10052 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–1060-PC–24 1A]

Call for Nominations for the Wild Horse and Burro Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Wild Horse and Burro Advisory Board call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for three members to the Wild Horse and Burro Advisory Board. The Board provides advice concerning management, protection, and control of wild free-roaming horses and burros on the public lands administered by the Department of the Interior, through the Bureau of Land Management, and the Department of Agriculture, through the Forest Service.

DATES: Nominations should be submitted to the address listed below under **ADDRESSES** no later than June 8, 2001.

ADDRESSES: National Wild Horse and Burro Program, Bureau of Land Management, Department of the Interior, P.O. Box 12000, Reno, Nevada 89520–0006, Attn: Ramona DeLorme; FAX 775–861–6711; or e-mail: *Ramona_Delorme@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Bud Cribley, 202–452–5073.

SUPPLEMENTARY INFORMATION: Any individual or organization may nominate one or more persons to serve on the Wild Horse and Burro Advisory Board. Individuals may also nominate themselves for Board membership. All nomination letters should include the name, address, profession, relevant biographic data, and reference sources for each nominee, and should be sent to the address listed under **ADDRESSES**, above. You may make nominations for the following categories of interest:

Wild horse and burro advocacy group
Veterinary medicine (equine science)
Public-at-large

The specific category that the nominee will represent should be identified in the letter of nomination. Board membership must be balanced in terms of categories of interest represented. Each member must be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed above. Members will be appointed to a term of 3 years.

Pursuant to Section 7 of the Wild Free-Roaming Horse and Burro Act, members of the Board cannot be employed of Federal or State Government.

Members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees.

The Board will meet no less than two times annually. The Director, Bureau of Land Management may call additional meetings in connection with special needs for advice.

Dated: April 9, 2001.

Henri R. Bisson,

Assistant Director, Renewable Resources and Planning, Bureau of Land Management.

[FR Doc. 01–10051 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Meeting

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Meeting Notice.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise. Potential agenda topics include Payette River Rec Fee Demo Project, Approval of Minutes, Charter Review, and Council Work Plan.

DATES: May 2, 2001. The meeting will begin at 10 a.m. Public comment periods will be held after each topic. The meeting is expected to adjourn at 1 p.m.

ADDRESSES: The meeting will be held at the Lower Snake River District Office, located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Mary Jones, Lower Snake River District Office (208–384–3305).

Date: April 3, 2001.

Katherine Kitchell,

District Manager.

[FR Doc. 01–10050 Filed 4–23–01; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–922 (Preliminary)]

Automotive Replacement Glass Windshields From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of automotive replacement glass windshields, provided for in subheading 7007.21.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On February 28, 2001, a petition was filed with the Commission and the Department of Commerce by PPG

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Industries, Inc. (PPG), Pittsburgh, PA; Safelite Glass Corp. (Safelite), Columbus, OH; and Apogee Enterprises, Inc. (Apogee), Minneapolis, MN, alleging that an industry in the United States is materially injured, and threatened with further material injury, by reason of LTFV imports of automotive replacement glass windshields from China. Accordingly, effective February 28, 2001, the Commission instituted antidumping duty investigation No. 731–TA–922 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC and by publishing the notice in the **Federal Register** of March 8, 2001 (66 FR 13962). The conference was held in Washington, DC on March 21, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 16, 2001. The views of the Commission are contained in USITC Publication 3414 (April 2001), entitled Replacement Glass Windshields from china: Investigation No. 731–TA–922 (Preliminary).

By order of the Commission.
Issued: April 17, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–10019 Filed 4–23–01; 8:45 am]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

[AAG/A Order No. 229–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division, Department of Justice, proposes to modify a system of records entitled, ''Department of Justice (DOJ) Employee Transportation Facilitation System, Justice/JMD–017.'' Notice of the system was last published in the **Federal Register** on November 10, 1998 (63 FR 63075).

The purpose of this system is to assign and control the official use of vehicle parking space for which DOJ is responsible; enhance the Department's ridesharing program; and manage the Department's transit subsidy program. The proposed modification would allow the Department to: (1) Comply with the Clean Air Act (42 U.S.C. 7418) which requires employee-operated motor vehicles on federal facilities to comply with the state vehicle inspection and maintenance laws and regulations of the state in which the facility is located, and (2) Manage the transportation benefit programs permitted by 5 U.S.C. 7905 and required by Executive Order 13150. ''System Name'' has been changed to ''Department of Justice (DOJ) Employee Transportation Management System, Justice/JMD–017.'' System Location(s) has been modified to allow for the maintenance of records at field offices or regional offices. A new routine use identified as routine use (5) has been added, allowing for the Department to provide summary compliance reports to the states. Appropriate changes related to the addition of this information have been made throughout the system description. Routine use 7(e) allows disclosure to the Internal Revenue Service of any document which provides information related to tax matters. In addition, routine use (8) is added to allow disclosure to contractors; and routine use (9) is added to allow disclosure to former employees for certain purposes. Changes have also been incorporated regarding the records retention requirements due to revisions of the General Records Schedules.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the revised system; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires 40 days to review the system modifications. Therefore, the public, OMB, and the Congress are invited to submit written comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report on the system modification to OMB and the Congress. The system description is reprinted below.

Dated: April 11, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

JUSTICE/JMD–017

SYSTEM NAME:

Department of Justice (DOJ) Employee Transportation Management System, Justice/JMD–017.

SYSTEM LOCATION(S):

Records are located in the offices of the Employee Transportation Coordinator of the respective DOJ components as listed in Appendix I of Part 16, 28 CFR. Records may also be maintained at individual DOJ facilities or regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Covered are any individuals who may apply for or participate in the ridesharing, parking, or transportation benefit programs of the DOJ. The term ''transportation benefits'' include the transit subsidy program and the transportation fringe benefits (tax exclusion) program. Individuals include: (1) DOJ employees and other federal and non-federal agency employee applicants for, and/or recipients of ridesharing information; (2) DOJ applicants for and/or recipients of parking privileges; (3) DOJ and other federal and non-federal agency employees, who may participate as riders in the parking program with DOJ employees who have applied for or who have been granted parking privileges; (4) DOJ applicants for, and/or recipients of, transportation benefits and authorized use of home-to-work transportation.

DOJ employee applicants and recipients may include former DOJ employees; non-federal employees may include private sector and other state and local government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include any records necessary to carry out the responsibilities authorized by law related to parking, ridesharing, and transportation benefit programs.

Paper records may include DOJ car/vanpool parking space applications and written requests for executive, unusual and handicapped parking assignments; ridesharing applications which provide or request application information related to availability for car/vanpools, and/or which provide or request similar information related to potential car/vanpool members; transportation benefit program applications and certifications; correspondence to applications; documentation of usage; tax information related to participation in the transportation benefit programs; Clean Air Act information and paperwork documenting compliance with state requirements; and administrative reports—including status reports and reports of disbursements to transportation benefit program participants.

Paper records may also include the notifications described under ''Routine

Uses of Records Maintained in the System, * * *.''

Computer records may include data from the employee applications and/or from personnel records. Data from personnel records may include any data needed to process an application—such as that needed to verify employment, e.g., federal service computation data, organization code, or that needed to identify parking assignments or fare subsidies that are no longer valid, e.g., separation date.

AUTHORIZATION FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Executive Order 12191 of February 1, 1980, on the Federal Facility Ridesharing Program; the Federal Employees Clean Air Incentives Act (5 U.S.C. 7905), effective January 1, 1994; Treatment of Employer-Provided Transportation Benefits (26 U.S.C. 132 et seq.), effective December 31, 1992; the Clean Air Act (42 U.S.C. 7418) regarding employee-owned vehicles operated on federal facilities; and transportation benefit programs required by Executive Order 13150.

PURPOSE(S):

Information in the system will be used to assign, manage, and control the use of vehicle parking spaces and the issuance of transportation benefits; to assist employees and the public in forming car/vanpools; to ensure compliance with the clean Air Act; and to ensure the integrity of the parking and transportation benefit programs of the Department of Justice and other federal agencies by validating parking assignments and transportation benefit program requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant records may be disclosed:

(1) As is necessary to respond to congressional inquiries on behalf of constituents;

(2) To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of Title 44 U.S.C. 2904 and 2906;

(3) To DOJ employees to enable them to contact other individuals covered by this system of records for the purpose of forming or participating in car/vanpool.

(4) To federal agencies and/or to the Metropolitan Council of Governments, and similar organizations, to enable such organizations—through coordinating efforts with other federal agencies—to provide information to any person for the purpose of contacting any individuals covered by this system of records in order to form or participate in a car/vanpool. Disclosure may include a list of program participants or, where appropriate, it may relate to only one or multiple individuals.

(5) To state transportation organizations, in summary form, in compliance with Clean Air Act requirements and Departmental guidelines.

(6) To federal agencies and DOJ parking and transportation benefit program managers. Parking spaces may be assigned according to a variety of established priorities among federal agencies and, in some instances, according to specific criteria, e.g., carpools with the greatest number of participants (except in a tie). Therefore, these disclosures would enable other federal agencies and DOJ to review the validity of parking space assignments, identify and take appropriate action with respect to those who violate parking assignment policies (as set forth in published agency operating procedures and policies), and thus allocate spaces fairly. In addition, because transportation benefits are offered to encourage the use of public transportation for those not allocated parking privileges, such disclosures would also enable other federal agencies and DOJ to ensure that both parking privileges and transportation benefits are not provided to the same employee(s), unless otherwise authorized.

(7) To federal agencies, DOJ may also provide information as follows:

DOJ Employee Information:

(a) Upon request, either a list of DOJ employees, or an affirmative, negative or ''non-DOJ employee'' response as to whether or not a DOJ employee(s) (or name represented to be a DOJ employee)—is listed as a participant (or as an applicant) in DOJ's parking or transportation benefit programs; or is authorized to use a DOJ vehicle for home-to-work transportation (or has requested such authorization). Disclosure is made to enable that federal agency to determine or validate a DOJ employee's eligibility to participate in its parking program.

(b) Upon DOJ initiative, either a DOJ employee name(s) or a list on which DOJ employees are named as participants (or as applicants) in DOJ's parking or transportation benefit programs, or as employees authorized to use a DOJ vehicle for home-to-work transportation (or as employees who have requested such authorization). Disclosure is made to elicit an affirmative or negative response as to whether such DOJ employee(s) participate with another federal agency employee in that agency's parking program (or have requested such participation), and thus enable DOJ to determine or validate DOJ employee eligibility for any form of DOJ parking privileges, or for DOJ transportation benefits.

Other Federal Agency Employee Information:

(c) Upon request, either a list of another federal agency's employees or an affirmative or negative response as to whether or not such employee(s) participate (or have requested participation) in DOJ's parking program. Disclosure is made to enable that agency to determine or validate eligibility for any form of parking privileges, or transportation benefits, for its employees.

(d) Upon DOJ initiative, either a federal agency employee name(s) or a list on which such agency's employee(s) are named as participating in DOJ's parking program (or has requested such participation). Disclosure is made to elicit from that agency an affirmative, negative, or ''non-employee'' response as to whether such employee(s) participate (or have requested participation) in that agency's parking or transportation benefit programs, or are authorized to use a vehicle for home-to-work transportation (or have requested such authorization), and thus enable DOJ to determine or validate other federal agency employee eligibility to participate in DOJ's parking program.

(e) To the Internal Revenue Service any document which provides information related to tax matters.

Non-Federal Employee Information:

(f) Upon request, either the name(s) or non-federal employees, a list of names, or a list which includes their name(s). Disclosure is made to enable to the agency to determine whether a non-federal employee may also be listed as a rider in DOJ's parking program and, as a result, enable the agency to determine or validate parking permit eligibility for its employees.

(g) Upon DOJ initiative, either the name(s) of non-federal employees, a list of names, or a list which includes their name(s). Disclosure is made to enable the DOJ to determine whether a non-federal employees may also be listed as a rider in that agency's parking program and, as a result, enable the DOJ to determine or validate parking permit eligibility for DOJ employees.

(8) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to

accomplish an agency function related to this system of records.

(9) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in hard copy from and/or electronically.

RETRIEVABILITY:

Records may be retrieved by individual name, social security number, residential zip code, vehicle tag number, vehicle type, or other information from the application or personnel records. Records may be retrieved by name or other identifier directly and/or by asking the system to segregate a list, by name, of those who work for a particular DOJ component. Former DOJ employee names are retrieved by asking the system to segregate a list, by name, of those parking participants who have separated from employment with DOJ. Other federal agency employee names are retrieved by asking the system to segregate a list, by name, of those parking participants who are identified as employees of a particular federal agency. Non-federal agency employee names may be similarly segregated.

SAFEGUARDS:

These files are stored in locked file cabinets in secured facilities, and access is restricted to personnel having an official need. Automated records are protected through computer password security.

RETENTION AND DISPOSAL:

Automated data is deleted from a data base within 180 days after any recordkeeping documents have been produced when the individual covered by the system no longer participates in the Employee Transportation Management program, e.g., when the employee is no longer on the ridesharing listing; is no longer a member of a car/vanpool; or, no longer receives a transportation benefit. Parking permit credentials shall be destroyed three months after the parking permits have either expired or been returned (General Records Schedule 11). Documents relating to the administration of the transit subsidy program and the transportation fringe benefit program shall be destroyed after the documents are three years old (General Records Schedule 9). The Department has requested an exemption to the General Records Schedule for documents supporting the transportation fringe benefit program. If approved, the new Schedule item will be incorporated in future revisions to this system of records.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Facilities and Administrative Services Staff, Justice Management Division, NPB Suite 1070, Department of Justice, Washington, DC 20530.

NOTIFICATION PROCEDURES:

Individuals wanting to know whether information about them is maintained in this system of records may review their own ridesharing, parking, transportation benefit, or other personal data upon presentation of a picture identification card at the appropriate address indicated under ''Records Access Procedures.''

RECORDS ACCESS PROCEDURES:

Except as otherwise noted, employees of the Offices, Boards, and Divisions (listed in appendix I of part 16, 28 CFR) may appear in person or address their requests for access to: Employee Transportation Coordinator, Facilities Administrative Services Staff, Justice Management Division, NPB Suite 1070, Department of Justice, Washington, DC 20530.

Except as otherwise noted, employees of the bureaus (listed in appendix I of Part 16, 28 CFR) may appear in person or address their requests for access to the following bureau officials, attention Employee Transportation Coordinator:

Director, Bureau of Prisons, HOLC Building, 320 First Street, NW., Washington, DC 20534

Administrator, Drug Enforcement Administration, 700 Army Navy Drive, Arlington, VA 22202

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC 20535–0001

Commissioner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536

Director, U.S. Marshals Service, 600 Army Navy Drive, Arlington, VA 22202.

In those cases where parking or transportation benefit records are maintained at an individual DOJ facility or regional office, the parking or transportation coordinator at that facility or office should be contacted first.

Individuals who park in a DOJ building (or DOJ-leased space) other than the one in which they work, may review their parking record by presenting the required identification to the Employee Transportation Coordinator at the appropriate building address.

CONTESTING RECORD PROCEDURES:

Individuals may request changes to their own record by submitting the proposed changes in writing at the appropriate address indicated under ''Records Access Procedures.'' Individuals who submit proposed changes to information provided by third parties should be prepared to provide information supporting their contention that such third-party information is erroneous.

RECORD SOURCE CATEGORIES:

DOJ and other federal agency applicants; DOJ personnel records; state transportation organizations; participating Department components and other federal agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01–10023 Filed 4–23–01; 8:45 am]
BILLING CODE 4410–CW–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on March 30, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Lead-Acid Battery Consortium (''ALABC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Electricity of France (EDF),

Moret sur Loing, FRANCE has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ALABC intends to file additional written notification disclosing all changes in membership.

On June 15, 1992, ALABC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1992 (57 FR 33522).

The last notification was filed with the Department on December 28, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 23, 2001 (66 FR 16294).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10027 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—International SEMATECH, Inc.

Notice is hereby given that, on February 9, 1998, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), International 300MM Initiative, Inc. (which has changed its name to International SEMATECH, Inc.) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and project status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Digital Equipment Cooperation, Hudson, MA; Hewlett-Packard Company, Palo Alto, CA; National Semiconductor Cooperation, Santa Clara, CA; Rockwell International, Newport Beach CA; and Siemens Microelectronics, Inc., Cupertino, CA have been added as parties to this venture. Also, International 300MM Initiative, Inc., Austin, TX; LG Semicon Co., Ltd., Cheongju, REPUBLIC OF KOREA; Samsung Electronics Company, Ltd., Seoul, REPUBLIC OF KOREA; and Siemens Components Inc., Cupertino, CA have been dropped as parties to this venture. As of February 9, 1998, the current list of parties to this venture is as follows: Advanced Micro Devices, Inc., Sunnyvale, CA; Digital Equipment Cooperation, Hudson, MA; Hewlett-Packard Company, Palo Alto, CA; Hyundai Electronics Industries Co., Ltd., Kyoungki-do, REPUBLIC OF KOREA; International Business Machines Corporation, Armonk, NY; Intel Corporation, Santa Clara, CA; Lucent Technologies, Inc., Murry Hill, NJ; Motorola, Inc., Shaumburg, IL; National Semiconductor Corporation, Santa Clara, CA; Philips Semiconductors, International BV, Eindhoven, THE NETHERLANDS; Rockwell International, Newport Beach, CA; SGS–THOMSON Microelectronics, Crolles Cedex, FRANCE; Siemens Microelectronics, Inc., Cupertino, CA; Taiwan Semiconductor Manufacturing Company, Ltd., Hsin-Chu, TAIWAN; and Texas Instruments, Inc., Dallas, TX.

The nature and objectives of the venture continues to be to work with its member companies, suppliers, universities and national laboratories to develop equipment, materials, processes, facilities, software and systems for cost-effective advanced semiconductor manufacturing. The scope of the International SEMATECH, Inc. joint venture will be expanded by transferring certain programs in advanced semiconductor manufacturing technology from its parent, SEMATECH, Inc. to International SEMATECH, Inc. In addition to the existing 300MM program, these programs include lithography; environmental safety and health standards; and certain Equipment Productivity Improvements Teams (''EPIT'') projects and manufacturing methods.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and International SEMATECH, Inc. intends to file additional written notification disclosing all changes in membership.

On August 15, 1996, International 300MM Initiative, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 17, 1996 (61 FR 48982).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10025 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—SEMATECH, Inc. d/b/a International SEMATECH

Notice is hereby given that, on January 19, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), SEMATECH, Inc. (which is doing business as International SEMATECH) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and project status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CONEXANT Systems, Inc., Newport Beach, CA; Hyundai Electronics Industries Company, Ltd., Kyoungki-do, REPUBLIC OF KOREA; Infineon Technologies, Munich, GERMANY; Philips Semiconductors International BV, Eindhoven, THE NETHERLANDS; STMicroelectronics, Geneva, SWITZERLAND; and Taiwan Semiconductor Manufacturing Company, Ltd. Hsin-Chu, TAIWAN have been added as parties to this venture. Also, Digital Equipment Corporation, Hudson, MA; National Semiconductor Corporation, Santa Clara, CA; and Rockwell International, Newport Beach, CA have been dropped as parties to this venture. The current list of parties to the venture is as follows: Advanced Micro Devices, Inc., Sunnyvale, CA; CONEXANT Systems, Inc., Newport Beach, CA; Hewlett-Packard Company, Palo Alto, CA; Hyundai Electronics industries Company, Ltd., Kyoungki-do, REPUBLIC OF KOREA; Infineon Technologies, Munich, GERMANY; International Business Machines Corporation, Armonk, NY; Intel Corporation, Santa Clara, CA; Lucent Technologies, Inc., Murray Hill, NJ; Motorola, Inc., Shaumburg, IL; Philips Semiconductors International BV, Eindhoven, THE NETHERLANDS; STMicroelectronics, Geneva, SWITZERLAND; Taiwan Semiconductor Manufacturing Company, Ltd., Hsin-Chu, TAIWAN; and Texas Instruments, Inc., Dallas, TX.

The scope of the venture has expanded by conducting programs that were previously performed by its subsidiary, specifically programs in

lithography, environmental safety and health, standards, and equipment productivity improvement team projects and manufacturing methods. Also, the nature and objectives of the venture are to perform and sponsor research and development of standards, facilities, software, processes, materials and equipment for advanced semiconductor manufacturing for the benefit of its members and for the industry as a whole. This work is done in conjunction with its members; suppliers of equipment, materials, services and software to the industry; universities; research laboratories and institutes; and government agencies and laboratories. International SEMATECH also sponsors workshops and conferences among industry, academia and government on technical and business challenges facing the semiconductor industry and facilitates the preparation and publication of the International Technology Roadmap for Semiconductors. International SEMATECH further conducts and sponsors efforts to make business processes in the industry more efficient, including creating models of the cost of owning and operating semiconductor equipment and facilities and analysis of larger economic trends in the industry. International SEMATECH provides various services, including wafer processing services, to companies in the industry, including equipment and materials suppliers, to help them research and develop advanced facilities, equipment and materials more quickly and efficiently.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and International SEMATECH intends to file additional written notification disclosing all changes in membership.

On April 22, 1988, SEMATECH, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 19, 1988 (53 FR 17987).

The last notification was filed with the Department on February 9, 1998. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10029 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Language Systems, Inc.

Notice is hereby given that, on March 23, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Language Systems, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the prior joint venture member, Eloquent Technology Inc., Ithaca, NY has been acquired by Speechworks International, Inc., Boston, MA, and has been replaced by Speechworks International, Inc. as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Language Systems, Inc. intends to file additional written notification disclosing all changes in membership.

On March 16, 1999, Language Systems, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 1, 1999 (64 FR 53416).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10026 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rotorcraft Industry Technology Association, Inc. (''RITA'')

Notice is hereby given that, on March 22, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Rotorcraft Industry Technology Association, Inc. (''RITA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and product status. The notifications were filed for the purposes of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kaman Aerospace Corporation, Bloomfield, CT has been added as a Supporting Member of this venture; and The Mississippi State University Research and Technology Corporation, Mississippi State, MS has been added as an Associate Member. Also, RITA's joint research and development projects undertaken in cooperation with NASA, DoD/Army/Navy, and the FAA, are subject to a new Funded Cooperative Agreement, effective January 1, 2001. In addition, RITA's Intellectual Property Rights Provisions have been amended, effective February 1, 2001.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RITA intends to file additional written notification disclosing all changes in membership.

On September 28, 1995, RITA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 3, 1996 (61 FR 14817).

The last notification was filed with the Department on August 8, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2000 (65 FR 57843).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10028 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—SEMATECH, Inc.

Notice is hereby given that, on February 9, 1998, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), SEMATECH, Inc. (''SEMATECH'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lucent Technologies,

Murray Hill, NJ has been added as a party to this venture. Also, American Telephone & Telegraph Company, New York, NY; Harris Corporation, Melbourne, FL; LSI Logic Corporation Milpitas, CA; Micron Technology, Inc., Boise, ID; and NCR Corporation, Dayton, OH have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SEMATECH intends to file additional written notification disclosing all changes in membership.

On April 22, 1988, SEMATECH filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 19, 1988 (53 FR 17987).

The last notification was filed with the Department on January 4, 1989. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 10, 1989 (54 FR 6458).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–10024 Filed 4–23–01; 8:45 am]

BILLING CODE 4410–11–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–051)]

National Environmental Policy Act; Genesis Mission

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Finding of no significant impact.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and NASA policy and procedures (14 CFR part 1216 subpart 1216.3), NASA has made a finding of no significant impact (FONSI) with respect to the proposed Genesis mission, which would involve a flight to a libration point (L1 point) in the Sun-Earth system, (*i.e.,* where the gravitational pulls of the Sun and the Earth are balanced). The spacecraft would be placed into a halo orbit about the L1 point to collect incoming solar wind ions. After 2 years of sample collection, the spacecraft would return the samples to Earth.

The baseline mission calls for the Genesis spacecraft to be launched aboard a Delta II 7326 from Cape Canaveral Air Force Station (CCAFS), Florida during the launch opportunity beginning in June 2001, as well as the recovery of the sample return capsule (SRC) at the Utah Test and Training Range (UTTR) approximately 65 kilometers (40 miles) southwest of Salt Lake City, Utah, no earlier than June 2004, depending on the actual launch date.

DATES: Comments must be provided in writing to NASA on or before May 24, 2001.

ADDRESSES: Comments should be addressed to Steve Brody, NASA Headquarters, Code SD, 300 E Street SW, Washington, DC 20546. The Environmental Assessment (EA) prepared for the Genesis mission which supports this FONSI may be reviewed at:

1. NASA Headquarters, Library, Room 1J20, 300 E Street, SW, Washington, DC 20546.
2. NASA, Spaceport USA, Room 2001, John F. Kennedy Space Center, Florida 32899 (321–867–2622). Please call Penny Myers beforehand at 321–867–9280 so that arrangements can be made.
3. Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).
4. Tooele City Public Library, 128 West Vine Street, Tooele, UT 84074 (435–882–2182).

Other locations where the EA may be examined are listed in the Supplementary Information section below.

A limited number of copies of the EA are available for persons wishing a copy by contacting Mr. Brody at the address or telephone number indicated herein.

FOR FURTHER INFORMATION CONTACT: Steve Brody, 202–358–1544.

SUPPLEMENTARY INFORMATION: The EA may be examined at the following additional public libraries:

1. Salt Lake City Public Library, Main Library, 200 East 500 South, Salt Lake City, UT 84111 (801–524–8200).
2. Weber County Library, 2464 Jefferson Avenue, Ogden, UT 84401–2488 (801–627–6913).
3. West Wendover Branch Library, 590 Camper Road, West Wendover, NV 89883 (775–664–2510).

The EA may also be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

1. NASA, Ames Research Center, Moffet Field, CA 94035 (650–604–1181).
2. NASA, Dryden Flight Research Center, Edwards, CA 93523 (661–258–3689).
3. NASA, Glenn Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2755).
4. NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–6255).
5. NASA, Johnson Space Center, Houston, TX 77058 (281–483–8612).
6. NASA, Langley Research Center, Hampton, VA 23665 (757–864–2497).
7. NASA, Marshall Space Flight Center, Huntsville, AL 35812 (256–544–1837).
8. NASA, Stennis Space Center, MS 39529 (228–688–2164). NASA has reviewed the EA prepared for the Genesis mission and has determined that it represents an accurate and adequate analysis of the scope and level of associated environmental impacts. This FONSI summarizes and incorporates the EA by reference.

NASA is proposing to launch the Genesis mission, which would deliver a single spacecraft into a halo orbit about the L1 point, approximately 1.5 million kilometers (km) [0.93 million miles (mi)] away from the Earth (approximately 1 percent of the Earth-Sun distance). This would also place the spacecraft well beyond Earth's magnetic field (magnetosphere), which shields the Earth from the charged particles emitted by the Sun, thus preventing instruments within the Earth's magnetosphere from acquiring accurate measurements of ions in the solar wind. After arrival at the L1 point, the mostly ultra-pure silicon collectors would be exposed to the incoming solar wind (*i.e.,* material erupting from the Sun's corona). The ions from the solar wind would be accumulated as they implant in the collector materials. After 2 years of sample collection, the spacecraft would stow the collectors into a sealed canister in the SRC to protect the purity of the solar wind particles collected for return to Earth and subsequent recovery at UTTR. The spacecraft would not carry any radioactive material. Current plans call for using a Delta II 7326 expendable launch system to inject the Genesis spacecraft into its low energy trajectory to the L1 point during the launch opportunity beginning in June 2001.

Depending on the actual launch date in 2001, the Genesis spacecraft would return to Earth in June 2004 or sometime thereafter. At a prescribed time during its approach to Earth, a command sequence would be sent to the spacecraft to orient itself for separation

from the SRC. After separation from the spacecraft, the SRC would directly enter the atmosphere to be captured midair via helicopter as it descends over UTTR. Following mid-air retrieval, the SRC would be removed to a staging area at UTTR where it would be prepared for transport to the planetary materials curatorial facility at the Johnson Space Center in Houston, Texas. Should conditions, such as weather over the recovery site, be unfavorable, there is an opportunity at entry minus 12 hours to enter a 19-day parking orbit for one or two revolutions (19 or 38 days) prior to a second Earth entry opportunity. In the unlikely event of bad weather on a second entry opportunity, the mid-air retrieval would not be possible, so the SRC would descend to the surface on a parafoil. The SRC and canister are designed to stay intact in the event of a parafoil landing.

The overall science objectives of Genesis are as follows:

(1) Measure the isotopic compositions of solar matter. Most chemical elements consist of more than one isotope. In some cases (*e.g.,* oxygen and nitrogen) the relative amounts of the isotopes of a given element are not the same for different types of planetary materials. (An isotope is an atomic species of a chemical element with different atomic mass and physical properties, *e.g.,* carbon-12 versus carbon-14.) However, at the required level of precision, the isotopic composition of solar matter is not available for comparison. Genesis could provide the data to fill this gap. The solar data are of major importance to planetary science because the outer regions of the Sun preserve the average composition of the solar nebula from which all planets in the solar system formed.

(2) Significantly improve our knowledge of the abundance of elements originating in the Sun. A remarkable feature of the solar system is the great diversity of planetary objects. However, this diversity was produced from a solar nebula, which is widely accepted to have been homogeneous in chemical composition. How this transition from solar nebula to planets took place has both fascinated and mystified scientists. Partial answers are available from the study of the elemental and isotopic composition of solar system bodies which suggests that moons, planets, and even asteroids are significantly different in composition. These objects are ''fossil residues'', and differences in basic elements and isotopic compositions provide invaluable insight into how the solar nebula evolved. Using these differences, scientists can model various evolutionary processes, but have been hampered by missing information about the composition of the original solar nebula.

The Sun, which contains well over 99 percent of all the material in the solar system, may help provide the answer. While its interior has been modified by nuclear reactions, the outer layers of the Sun are composed of very nearly the same material as the original solar nebula. Some of the Sun's composition can be determined by the characteristics of the light it emits, but the abundance of many elements and nearly all isotopes is as yet unknown.

By stationing a spacecraft outside Earth's magnetic field, solar wind particles can be captured and returned to Earth where high precision analyses can be carried out. Comparing the Sun's isotopic composition and abundance against known planetary composition data sets may provide another piece of the puzzle in the continuing search for origins. The goal of Genesis is to improve the accuracy in the measure of each element's abundance by at least a factor of three.

(3) Provide a reservoir of solar matter for the 21st century. A great advantage of sample return missions is that curated materials are available to address the advanced questions that arise in the normal course of scientific study. When the need arises for improved knowledge of solar isotopic or elemental abundance beyond that provided in the initial studies, the curated Genesis materials would be available to address these needs.

Alternatives to the Genesis mission that were evaluated include: (1) No-Action (*i.e.,* no Genesis mission); (2) launch vehicle options, including the Space Shuttle, Taurus, and Atlas configurations, as well as other Delta configurations; (3) alternative launch sites; and (4) alternative recovery sites. Of the launch vehicles evaluated, the Delta II 7326 launch system most closely matches the Genesis mission requirements within the cost constraints of this Discovery Mission.

Expected impacts to the human environment associated with the mission arise almost entirely from the normal launch of the Delta II 7326, and to a much lesser extent, the entry, descent, and recovery operations of the sample return. Air emissions during the launch produced by the solid propellant graphite epoxy motors and liquid first stage primarily include carbon monoxide, hydrochloric acid, aluminum oxide in soluble and insoluble forms, carbon dioxide, and deluge water mixed with propellant by-products. Air impacts would be short-term and not substantial. Short-term water quality and noise impacts, as well as short-term effects on wetlands, plants, and animals, would occur in the vicinity of the launch complex. These short-term impacts are of a nature to be self-correcting, and none of these effects would be substantial. No impact on threatened or endangered species or critical habitat, cultural resources, or floodplains is anticipated. In addition to the impacts that might be expected to arise from a normal launch, launch accident scenarios have been addressed and indicate no expected significant impact to the environment.

The second stage would be ignited at an altitude of 111 kilometers (69 miles). Although the second stage would achieve orbit, its orbital decay time would fall below the limit NASA has set for orbital debris consideration. After burning its propellant to depletion, the second stage would remain in low-Earth orbit until its orbit eventually decayed. The second stage is designed to burn up as it reenters Earth's atmosphere. The Genesis mission planning has followed NASA guidelines regarding orbital debris and minimizing the risk of human casualty for uncontrolled reentry into the Earth's atmosphere. No other impacts of environmental concern have been identified.

The level and scope of environmental impacts associated with the launch of the Delta II 7326 vehicle are well within the envelope of impacts that have been addressed in previous FONSIs concerning other launch vehicles and spacecraft. No significant new circumstances or information relevant to environmental concerns associated with the launch vehicle have been identified which would affect the earlier findings.

The Genesis mission has been categorized by the NASA Planetary Protection Officer as a Planetary Protection Category V mission, ''Unrestricted Earth Return'', because there is essentially zero chance of extraterrestrial biological contamination during sample collection at the L1 point, and thus an insignificant chance of back contamination by returning a novel organism to Earth. Nonetheless, prior to Earth return, the most recent scientific data related to the Genesis sample collection would be considered by the NASA Planetary Protection Advisory Committee in its review of this categorization for NASA.

Upper altitude emissions associated with reentry of the SRC would include ablation (*i.e.,* vaporization) products of the thermal protection system on the forebody. The SRC would enter the Earth's atmosphere directly above UTTR's South Range. At an altitude of

2.8 km (9200 ft) mean sea level, a recovery helicopter would intercept the SRC and initiate a mid-air retrieval operation above the UTTR surface. The intercept altitude would permit multiple passes, if necessary, to effect capture. A back-up helicopter would provide redundant capability. The proposed material to be used for the forebody heatshield is a carbon-carbon (C–C) composite. The peak heating would occur at approximately 60 seconds after reentry begins, which corresponds to an altitude of approximately 60 km (196,860 ft) above the Earth. The ablation would continue for about twenty seconds. Models conservatively predict that less than five percent [2.05 kg (4.5 lb)] of the total C–C material would ablate during reentry. The chemical species produced during ablation would be dissipated in the shock wave behind the SRC. The ablation process and thus the production of ablation products would cease more than 48 km (157,000 ft) above the Earth. Therefore, these concentrations would disperse in the large volume of air in the upper atmosphere and would not constitute a danger to health or life on Earth. The SRC heatshield would be rapidly cooling during the subsonic portion of the descent, and would not emit to the lower atmosphere. UTTR is primarily used by the U.S. Air Force as a bombing and artillery test and training range. The entry, descent, and recovery operations for the 225-kg (495-lb) SRC would be well within the bounds of the day-to-day operations carried on at UTTR. No impact on threatened or endangered species or critical habitat, cultural resources, wetlands, or floodplains is expected. Recovery scenarios wherein the SRC is not retrieved via helicopter in mid-air have also been addressed and do not lead to substantial environmental impacts.

Current plans call for commanding the remaining spacecraft bus to perform a controlled maneuver to burn the remaining on-board propellant approximately one hour after releasing the SRC. This ''deboost'' maneuver would result in the spacecraft entering the upper atmosphere high above the Pacific Ocean, where it would burn up due to atmospheric friction. The proposed Genesis deboost maneuver would comply with the guideline for footprint clearance of land masses [46 km (25 nautical miles) from U.S. soil, 370 km (200 nautical miles) from any non-U.S. land mass].

Based on the Genesis Spacecraft Breakup Analysis, the main spacecraft composite structure is conservatively predicted to break apart at altitudes above 68 km (223,108 ft). Even in the worst case wherein the spacecraft bus reenters the atmosphere along the same trajectory as the SRC, all components have been shown by independent modeling to burn up above 47 km (154,000 ft). The small quantities of gases produced during burnup of the Genesis spacecraft are left at these extreme altitudes.

Failure to undertake the Genesis mission would disrupt the execution of NASA's Solar System Exploration program as defined by the agency's Solar System Exploration Committee. Solar wind samples returned by the Genesis mission could significantly improve our knowledge of the average chemical and isotopic composition of the solar system. Cancellation of the proposed mission would result in no or minimal environmental impact, but the loss of the scientific knowledge and database from carrying out the mission could be significant.

On the basis of the Genesis EA, NASA has determined that the environmental impacts associated with the mission would not individually or cumulatively have a significant impact on the quality of the human environment. NASA will take no final action prior to the expiration of the 30-day comment period.

Edward J. Weiler,

Associate Administrator for Space Science.

[FR Doc. 01–10070 Filed 4–23–01; 8:45 am]

BILLING CODE 7510–01–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Additional notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United Stated Code.

1. *Date:* May 28–30, 2001.
Time: 9 a.m. to 5 p.m.
Room: 527.
Program: This meeting will review applications for Extending the Reach: Faculty Research Awards, submitted to the Division of Research Programs at the April 10, 2001 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 01–10053 Filed 4–23–01; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND PLACE: 9:30 a.m., Tuesday, May 1, 2001.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The three items are open to the public.

MATTERS TO BE CONSIDERED: 7357 Fire On Board Liberian Passenger Ship Ecstasy, Miama, Florida, July 20, 1998 (DCA–98–MM–035).

7356 Special Investigation Report: Rear-End Collision Prevention Technologies.

7339A Railroad Accident Report: Collision Involving Three Consolidated Rail Corporation Freight Trains Operating in Fog at Bryan, Ohio, January 17, 1999 (DCA–99–MR–002)—Positive Train Separation Issues.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314–6220 by Friday, April 27, 2001.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6065.

Dated: March 23, 2001.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 01–10286 Filed 4–20–01; 2:33 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR part 21, ''Reporting of Defects and Noncompliance''.

2. *Current OMB approval number:* 3150–0035.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* All directors and responsible officers of firms and organizations building, operating, or owning NRC licensed facilities as well as directors and responsible officers of firms and organizations supplying basic components and safety related design, analysis, testing, inspection, and consulting services of NRC licensed facilities or activities.

5. *The number of annual respondents:* 70 respondents.

6. *The number of hours needed annually to complete the requirement or request:* 12,565 (9,640 reporting hours and 2,925 recordkeeping hours).

7. *Abstract:* 10 CFR part 21 implements Section 206 of the Energy Reorganization Act of 1974, as amended. It requires directors and responsible officers of firms and organizations building, operating, owning, or supplying basic components to NRC licensed facilities or activities to report defects and noncompliance that could create a substantial safety hazard at NRC licensed facilities or activities. Organizations subject to 10 CFR part 21 are also required to maintain such records as may be required to assure compliance with this regulation.

The NRC staff reviews 10 CFR Part 21 reports to determine whether the reported defects in basic components and related services and failure to comply at NRC licensed facilities or activities are potentially generic safety problems.

Submit, by June 25, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *BJS1@NRC.GOV.*

Dated at Rockville, Maryland, this 18th day of April 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–10096 Filed 4–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PPL Susquehanna, Llc; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License (OL) Nos. NPF–14 and NPF–22, issued to PPL Susquehanna, LLC (the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2, located in Luzerne County, Pennsylvania.

The proposed amendments would change the OL and Technical Specifications for SSES Units 1 and 2, to reflect an increase in the licensed core power level to 3489 megawatts (thermal), 1.4% greater than the current level.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 25, 2001, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in a proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, Inc., 2 North Ninth St., GENTW3, Allentown, PA 18101–1179, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated October 30, 2000, and supplement dated February 5, 2001, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 17th day of April 2001.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Project Manager Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10094 Filed 4–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; Duane Arnold Energy Center; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of 10 CFR part 50, appendix G, for Facility Operating License No. DPR–49, issued to Nuclear Management Company, LLC (NMC, or the licensee) for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa.

Environmental Assessment

Identification of the Proposed Action

Title 10 of the Code of Federal Regulations (10 CFR part 50), appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR part 50, appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

To address provisions of amendments to the technical specifications (TS) P–T limits, the licensee requested in its submittal dated October 16, 2000, that the staff exempt NMC from application of specific requirements of 10 CFR part 50, appendix G, and substitute use of ASME Code Case N–640. The license amendment request is being addressed as a separate action. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the K_{Ic} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{Ic} fracture toughness curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, appendix G and, therefore,

an exemption to apply the Code Case would be required by 10 CFR 50.60(b).

The Need for the Proposed Action

The proposed exemption is needed to allow the licensee to implement ASME Code Case N–640 in order to revise the method used to determine the reactor coolant system (RCS) P–T limits, because continued use of the present curves unnecessarily restricts the P–T operating window. Since the RCS P–T operating window is defined by the P–T operating and test limit curves developed in accordance with the ASME Section XI, Appendix G procedure, continued operation of DAEC with these P–T curves without the relief provided by ASME Code Case N–640 would unnecessarily require the RPV to maintain a temperature exceeding 212 degrees Fahrenheit in a limited operating window during the pressure test. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P–T curves, as allowed by ASME Code Case N–640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at a lower coolant temperature.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of this Code Case.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no significant adverse environmental impacts associated with the proposed action.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement Relating to the Operation of the Duane Arnold Energy Center,'' dated March 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on March 26, 2001, the staff consulted with the Iowa State official, Mr. D. McGhee of the Department of Public Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 16, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

Dated at Rockville, Maryland, this 17th day of April 2001.

For the Nuclear Regulatory Commission.

Carl F. Lyon,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10095 Filed 4–23–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 23, 30, May 7, 14, 21, 28, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 23, 2001

Tuesday, April 24, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)
10:30 a.m. Discussion of Intragovernmental Issues (Closed-Ex. 9)

Week of April 30, 2001—Tentative

There are no meetings scheduled for the Week of April 30, 2001.

Week of May 7, 2001—Tentative

Thursday, May 10, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)
10:30 a.m. Briefing on Office of Nuclear Regulatory Research (RES) Programs and Performance (Public Meeting) (Contact: James Johnson, 301–415–6802)

Friday, May 11, 2001

10:30 a.m. Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360)

Week of May 14, 2001—Tentative

There are no meetings scheduled for the Week of May 14, 2001.

Week of May 21, 2001—Tentative

There are no meetings scheduled for the Week of May 21, 2001.

Week of May 28, 2001—Tentative

Wednesday, May 30, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—301–415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: April 19, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–10236 Filed 4–20–01; 11:50 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[NUREG–1671]

Standard Review Plan for the Gaseous Diffusion Plants; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: Because of significant changes to current draft U.S. Nuclear Regulatory Commission (NRC) standard review plan for the recertification of the gaseous diffusion plants, NRC is offering the opportunity for public review and comment on the addition of an introduction to the draft report NUREG–1671 retitled, ''Standard Review Plan for the Gaseous Diffusion Plants.''

DATES: Submit comments to the address listed below by May 25, 2001. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Hand deliver comments to the U.S. Nuclear Regulatory Commission's headquarters building at One White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, between 7:45 a.m. and 4:15 p.m. during Federal workdays.

Draft NUREG–1671, without the new Introduction, is available for inspection and copying for a fee at the NRC public document room (PDR), that is currently located at NRC's headquarters building, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. A copy of the draft Introduction may be obtained from the NRC's Internet website, *http://www.nrc.gov/NRC/NUREGS/SR1671/REVISED/index.html* or from the Agency's document management system, called ADAMS, *http://www.nrc.gov/NRC/ADAMS/index.html.*

FOR FURTHER INFORMATION CONTACT: Bill Gleaves, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–5848.

Dated at Rockville, Maryland, this 8th day of March 2001.

For the Nuclear Regulatory Commission.

William C. Gleaves,

Mechanical Systems Engineer, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–10093 Filed 4–23–01; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

Board Votes To Close April 13, 2001, Meeting

By telephone vote on April 13, 2001, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting held in Washington, DC via teleconference. The Board determined that prior public notice was not possible.

ITEMS CONSIDERED:

1. Strategic Planning/Postal Reform.
2. Postal Rate Commission Opinion and Recommended Decision on Further Reconsideration in Docket No. R2000–1, Omnibus Rate Case.
3. Personnel Matters.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, David G. Hunter, at (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–10265 Filed 4–20–01; 2:15 pm]

BILLING CODE 7710–12–M

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

Board Votes To Close May 1, 2001, Meeting

At its meeting on April 13, 2001, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for May 1, 2001, in Washington, DC via teleconference.

MATTERS TO BE CONSIDERED:

1. Postal Rate Commission Opinion and Recommended Decision on Further Reconsideration in Docket No. R2000–1, Omnibus Rate Case.
2. Strategic Planning/Postal Reform.
3. Personnel Matters.

PERSONS EXPECTED TO ATTEND: Governors Ballard, Daniels, del Junco, Dyhrkopp, Fineman, Kessler, McWherter, Rider and Walsh; Postmaster General Henderson, Deputy Postmaster General Nolan, Secretary to the Board Hunter, and General Counsel Gibbons.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, David G. Hunter, at (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–10266 Filed 4–20–01; 2:15 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Changes to Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed new system of records.

SUMMARY: The purpose of this document is to give notice of a proposed new Privacy Act system of records, RRB–50, Child Care Tuition Assistance Program.

DATES: The proposes new system of records shall become effective as proposed without further notice in 40 calendar days from the date of this publication unless comments are received before this date which would result in a contrary determination.

ADDRESSES: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092, (312) 751–4548.

SUPPLEMENTARY INFORMATION: Public Law 106–58 authorizes Federal agencies to fund out of appropriated funds a child care tuition assistance program for lower income families who pay for qualified child care. The Railroad Retirement Board is establishing a program under which child care tuition assistance would be provided to eligible agency employees.

The Railroad Retirement Board will collect family income data from RRB employees who make application under the RRB Child Care Tuition Assistance Program. The family income data will be used by the RRB to determine eligibility under the program, and if eligibility is determined, to make a further determination as to the amount of monthly tuition assistance that will be made. In addition, the RRB will collect information from the employee's child care provider(s) for verification purposes; e.g. that the provider is fully licensed.

On April 12, 2001, the Railroad Retirement Board filed a new system report for this system with the House Committee on Government Operations, the Senate Committee on Governmental Affairs, and the Office of Management and Budget. This was done to comply with Section 3 of the Privacy Act of 1974 and OMB Circular No. A–130, Appendix I.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

RRB–50

SYSTEM NAME:

RRB–50, Child Care Tuition Assistance Program.

SYSTEM LOCATION:

U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Railroad Retirement Board employees who voluntarily applied for child care tuition assistance, the employee's spouse, the employee's children and their child care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee (parent) name, Social Security Number, pay grade, home and work numbers, addresses, total family income, spouse employment information, names of children on whose behalf the employee parent is applying for tuition assistance, each applicable child's date of birth, information on child care providers used (including name, address, provider license number and state where issued, tuition cost, and provided tax identification number), and copies of IRS Form 1040 and 1040A for verification purposes. Other records may include the child's social security number, weekly expense, pay statements, records relating to direct deposits, verification of qualification and administration for child care assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–58, section 643 and E.O. 9397.

PURPOSE(S):

The purpose of the system is to determine eligibility for, and the amount of, the child care tuition assistance for lower income RRB employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Records may be released to agency employees on a need to know basis.

b. Relevant records relating to an individual may be disclosed to a congressional office in response to an inquiry from the Congressional office made at the request of that individual.

c. Relevant information may be disclosed to the Office of the President for responding to an individual pursuant to an inquiry from that individual or from a third party in his/her behalf.

d. Relevant records may be disclosed to representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

e. Records may be disclosed in response to a request for discovery or for the appearance or a witness, to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. Records may be disclosed in a proceeding before a court or adjudicative body to the extent that they are relevant and necessary to the proceeding.

g. In the event that material in this system indicates a violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by regulation, rule, or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order, issued pursuant thereto.

h. Relevant records may be disclosed to respond to a Federal agency's request made in connection with the hiring or retention of an employee, the letting of a contract or issuance of a grant, license or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

i. Relevant records may be disclosed to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of the subsidy program.

j. Records may be disclosed to an expert, consultant, or contractor of RRB (including employees of the contractor) if the RRB decides to contract with a private firm for the implementation of any part of the program.

k. Relevant records may be disclosed to child care providers to verify a covered child's dates of attendance at the provider's facility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and computer hard disk, cartridge, and tape.

RETRIEVABILITY:

Name, Social Security Number.

SAFEGUARDS:

When not in use by an authorized person, paper records are stored in lockable cabinets in a building with security cameras and 24-hour security guards. Access to electronic records require the use of restricted passwords.

RETENTION AND DISPOSAL:

These records will be maintained permanently until their official retention period is established.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Human Resources, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's record should be in writing addressed to the Systems Manager identified above, including the full name and social security number of the

individual. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURES:

See Notification section above.

CONTESTING RECORD PROCEDURES:

See Notification section above.

RECORD SOURCE CATEGORIES:

Applications for child care tuition assistance submitted voluntarily by RRB employees; forms completed by child care providers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01–10030 Filed 4–23–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24939; File No. S7–11–97]

RIN 3235–AH11

Investment Company Names; OMB Approval of Collections of Information

AGENCY: Securities and Exchange Commission.

ACTION: Notice of OMB Approval of Collections of Information.

SUMMARY: The Securities and Exchange Commission adopted rule 35d–1 under the Investment Company Act of 1940 on January 17, 2001. Rule 35d–1 addresses certain broad categories of investment company names that are likely to mislead investors about an investment company's investments and risks. Certain provisions of rule 35d–1 contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*], and the Commission submitted the proposed collections of information to the Office of Management and Budget (OMB) for review. The Office of Management and Budget has approved the collection of information requirements contained in rule 35d–1.

DATES: On March 13, 2001, OMB approved the collections of information contained in rule 35d–1.

FOR FURTHER INFORMATION CONTACT: Paul G. Cellupica, Senior Special Counsel, Office of Disclosure and Insurance Product Regulation, at (202) 942–0670, in the Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') adopted new rule 35d–1 [17 CFR 270.35d–1] under the Investment Company Act of 1940 [15 U.S.C. 80a–1 *et seq.*] (''Investment Company Act'') on January 17, 2001.[1] Rule 35d–1 addresses certain broad categories of investment company names that are likely to mislead investors about an investment company's investments and risks. The rule requires a registered investment company with a name suggesting that the company focuses on a particular type of investment (*e.g.*, an investment company that calls itself the ABC Stock Fund, the XYZ Bond Fund, or the QRS U.S. Government Fund) to invest at least 80% of its assets in the type of investment suggested by its name. The rule also addresses other types of names, including names suggesting that an investment company focuses its investments in a particular country or geographic region.

The rule generally requires that the 80% investment requirement either may be a fundamental policy of an investment company affected by the rule, or the investment company may adopt a policy to provide notice to shareholders at least 60 days prior to any change in its 80% investment policy. Additionally, an investment company with a name suggesting that it focuses its investments in a particular country or geographic region must disclose in its prospectus the specific criteria that are used to select investments that meet this standard, in order for its name not to be deemed misleading under the rule.

As explained in the Adopting Release, certain provisions of rule 35d–1 contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*].[2] In the Adopting Release, the Commission estimated the burden hours for these collection of information requirements and solicited comments on the collection of information requirements and the burden estimate. The Commission submitted the proposed collection of information requirements to OMB for review in accordance with 44 U.S.C. 3507 and 5 CFR 1320.11. The titles for the collections of information are: (1) ''Rule 35d–1 under the Investment Company Act of 1940, Investment Company Names''; (2) ''Form N–1A under the Investment Company Act of 1940 and Securities Act of 1933, Registration Statement of Open-End Management Investment Companies''; and (3) ''Form N–2 under the Investment Company Act of 1940 and Securities Act of 1933, Registration Statement of Closed-End Management Companies.'' The Commission did not receive any comments on the collection of information requirements of rule 35d–1.

The purpose of the notice policy provision of rule 35d–1 is to ensure that when shareholders purchase shares in an investment company based on its name, and with the expectation that it will follow the investment policy suggested by that name, they will have sufficient time to decide whether to redeem their shares in the event that the investment company decides to pursue a different investment policy. The Commission estimates that the total annual burden of this notice policy provision will be 480 hours.[3]

The purpose of the prospectus disclosure requirement of rule 35d–1 applicable to investment companies with names suggesting an investment focus in a particular country or geographic region is to enable investors to make more informed choices about their investments in investment companies with such names. The likely respondents to this information collection are open-end management investment companies or series registering with the Commission on Form N–1A and closed-end management investment companies registering with the Commission on Form N–2. The Commission estimates that the total annual burden of this disclosure requirement will be 404 hours for open-end management investment companies or series filing post-effective amendments or initial registration statements on Form N–1A, and 52 hours for closed-end management investment companies filing registration statements on Form N–2.[4]

[1] Investment Company Act Release No. 24828 (Jan. 17, 2001) [66 FR 8509 (Feb. 1, 2001), correction 66 FR 14828 (Mar. 14, 2001)] (''Adopting Release''). All references to ''rule 35d–1'' or any paragraph of the rule are to 17 CFR 270.35d–1, as adopted by the Adopting Release.

[2] *See* Adopting Release, *supra* note 1, 66 FR at 8516–8518.

[3] The Commission estimates that 24 investment companies and series would provide prior notice to shareholders of a change in their investment policies pursuant to a notice policy adopted in accordance with rule 35d–1, and that the annual burden for each such investment company or series would be 20 hours, for a total annual burden of 480 hours. *See* Adopting Release, *supra* note 1, 66 FR at 8517.

[4] The Commission estimates that 202 open-end management investment companies or series that file post-effective amendments or initial registration

On March 13, 2001, OMB approved the collections of information contained in rule 35d–1. Rule 35d–1 (OMB Control No. 3235–0548) was adopted pursuant to section 35(d) of the Investment Company Act [15 U.S.C. 80a–34(d)]. Form N–1A (OMB Control No. 3235–0307) and Form N–2 (OMB Control No. 3235–0026) were adopted pursuant to section 8 of the Investment Company Act [15 U.S.C. 80a–8] and sections 5 and 10 of the Securities Act of 1933 [15 U.S.C. 77e and 77j]. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Providing prior notice to shareholders of a change in investment policy is mandatory if an investment company that has a descriptive name subject to the rule has chosen to comply with the rule by adopting a non-fundamental 80% investment policy and a notice policy that meets the requirements of the rule, and the investment company intends to change its 80% investment policy and name. There is no mandatory retention period for the information disclosed. Notices to shareholders pursuant to a notice policy under the rule are not filed with the Commission, but will not in any event be kept confidential.

The prospectus disclosure required by the rule in Form N–1A and Form N–2 is mandatory for an investment company with a name that suggests that it focuses its investments in a particular country or geographic region. There is no mandatory retention period for the information disclosed, and responses to the disclosure requirement will not be kept confidential.

Dated: April 16, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10108 Filed 4–23–01; 8:45 am]

BILLING CODE 8010–01–P

statements on Form N–1A would have names suggesting a focus in a particular country or geographic region, and that each such investment company would spend two hours annually to comply with the prospectus disclosure requirements of the rule, for a total annual burden of 404 hours. The Commission also estimates that 26 closed-end management investment companies filing registration statements on Form N–2 annually would have names suggesting a focus on a particular country or geographic region, and that each such investment company would spend two hours to comply with the prospectus disclosure requirements of the rule, for a total annual burden of 52 hours. *See* Adopting Release, *supra* note 1, 66 FR at 8517–8518.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44178; File No. SR–NASD–2001–20]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Suitability Rule and Online Communications

April 12, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 19, 2001, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation proposes to issue a Notice to Members (Notice to Members 01–23) reminding members that they have suitability obligations when they make recommendations to customers online. The text of the Notice to Members is provided below.[4]

* * * * *

NASD Notice to Members 01–23

Online Suitability
Suitability Rule And Online Communications

Suggested Routing

Senior Management
Legal & Compliance
Executive Representative

Key Topics

Suitability
Online Communications

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

[3] On March 22, 2001, the NASD Regulation submitted a technical amendment to designate a file number for the proposed rule change. *See* letter from Jennifer Piorko, Senior Legal Assistant, NASD Regulation, to Nancy Sanow, Senior Special Counsel, Division of Market Regulation, Commission, dated March 21, 2001.

[4] The text and the footnotes in the Notice to Members are formatted and numbered in the manner that they appear in the actual Notice to Members that was published by NASD Regulation.

Executive Summary

In light of the dramatic increase in the use of the Internet for communication between broker/dealers and their customers, NASD Regulation, Inc. (NASD Regulation) is issuing a Policy Statement to provide members [1] with guidance concerning their obligations under the National Association of Securities Dealers, Inc. (NASD®) general suitability rule, Rule 2310,[2] in this electronic environment.[3] NASD Regulation filed this Policy Statement on March 19, 2001, with the Securities and Exchange Commission (SEC). Pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and SEC Rule 19b–4(f)(1), the Policy Statement became immediately effective upon filing.

The Policy Statement briefly discusses some of the issues created by the intersection of online activity and the suitability rule. The Policy Statement then provides examples of electronic communications that NASD Regulation considers to be either within or outside the definition of ''recommendation'' for purposes of the suitability rule.[4] In addition, the Policy

[1] For purposes of this policy Statement, the terms ''member'' and ''broker/dealer'' include both firms and their associated persons.

[2] NASD Rule 2310 provides in pertinent part:

(a) In recommending to a customer the purchase, sale or exchange of any security, a member shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs.

(b) Prior to the execution of a transaction recommended to a non-institutional customer, * * * a member shall make reasonable efforts to obtain information concerning: (1) the customer's financial status; (2) the customer's tax status; (3) the customer's investment objectives; and (4) such other information used or considered to be reasonable by such member * * * in making recommendations to the customer.

NASD Rule 2310 applies to equity and certain debt securities, but not to municipal securities. Municipal securities are covered by Municipal Securities Rulemaking Board (MSRB) Rule G–19 (''Suitability of Recommendations and Transactions; Discretionary Accounts'').

[3] Although the focus of this Policy Statement is on the application of the suitability rule to electronic communications, much of the discussion is also relevant to more traditional communications, such as discussions made in-person, over the telephone, or through postal mail.

[4] This Policy Statement focuses on ''customer-specific'' suitability under NASD Conduct Rule 2310. The word ''recommendation'' appears in quotation marks whenever it is discussed in the context of a customer-specific suitability obligation. A broker/dealer must also have a reasonable basis ''to believe that the recommendation could be suitable for at least *some* customers.'' *In re F.J. Kaufman and Company of Virginia*, 50 S.E.C. 164, 168, 1989 SEC LEXIS 2376, *10 (1989) (emphasis in original). This is called ''reasonable basis'' suitability, and it ''relates only to the particular recommendation, rather than to any particular

Continued

Statement sets forth guidelines to assist members in evaluating whether a particular communication could be viewed as a ''recommendation,'' thereby triggering application of the suitability rule.[5]

NASD Regulation emphasizes, however, that this current Policy Statement does not (1) alter member obligations under the suitability rule or (2) establish a ''bright line'' test for determining whether a communication does or does not constitute a ''recommendation'' for purposes of the suitability rule. No single factor discussed below, standing alone, necessarily dictates the outcome of the analysis.

NASD Regulation recognizes that brokerage firms are using technology to offer many new beneficial services to customers, and it supports the continued development and use of technology to enhance investor education and access to information. These technological advances may have regulatory implications in the context of rules other than the suitability rule, and, therefore, we expect to issue future statements or guidance on the subject of online activities in the securities industry. NASD Regulation is aware, however, that technology is developing rapidly, and we want to avoid impeding the growth of new technological services for investors.

Questions/Further Information

Questions or comments concerning the information contained in this Policy Statement may be directed to either Nancy C. Libin, Assistant General Counsel, Office of General Counsel, NASD Regulation, Inc., at (202) 728–8835 or *nancy.libin@nasd.com*, or James S. Wrona, Assistant General Counsel, Office of General Counsel, NASD Regulation, Inc., at (202) 728–8270 or *jim.wrona@nasd.com.*

NASD Regulation Policy Statement Regarding Application Of The NASD Suitability Rule To Online Communications

Background

Technological developments in recent years have profoundly affected the securities industry.[6] One of the most dramatic changes is the way in which brokerage firms use the Internet to communicate with their customers. In addition to more traditional channels of communication such as the telephone and postal mail, broker/dealers and customers now transmit information to each other through broker/dealers' Web Sites, e-mail, Web phones, personal digital assistants, and hand-held pagers. Broker/dealers also use the Internet to provide lower-cost, unbundled services to customers. Among other things, broker/dealers have used the Internet to provide investors with new tools to obtain access to important analytical information, conduct their own research, and place their own orders. Technological advancements have provided many benefits to investors and the brokerage industry. These technological innovations, however, also have presented new regulatory challenges, including those arising from the application of the suitability rule to online activities.

The NASD's suitability rule states that in recommending to a customer the purchase, sale, or exchange of any security, a member shall have reasonable grounds for believing that the recommendation is suitable for such customer. As the rule states, a member's suitability obligation applies to securities that the member ''recommends'' to a customer.[7] The NASD's suitability rule generally has been violated when a broker/dealer ''recommends'' a security to a customer that might be suitable for some investors, but is unsuitable for that particular customer.

Applicability of the Suitability Rule to Electronic Communications

There has been much debate recently about the application of the suitability rule to online activities.[8] Two major

customer.'' *Id. See also In re Charles E. Marland & Co., Inc.*, 45 S.E.C. 632, 636, 1974 SEC LEXIS 2458, *10 (1974) (recommending mutual fund switching creates rebuttable presumption of unsuitability); *In re Thomas Arthur Stewart*, 20 S.E.C. 196, 207, 1945 SEC LEXIS 318, *25 (1945) (''[T]he lack of reasonable grounds for recommending [switching shares of mutual funds]'' was the basis for finding broker had violated NASD's suitability rule based on a ''reasonable basis'' theory.).

Although not directly addressed in this Policy Statement, in certain instances, a suitability violation also can be based on an inappropriate frequency of trades, often referred to as excessive trading or churning. *See* IM–2310–2, Fair Dealing With Customers (''Some practices that have resulted in disciplinary action and that clearly violate this responsibility for fair dealing are * * * [e]xcessive activity in a customer's account.''). A broker/dealer could violate the suitability rule, for example, where it recommended to a customer an excessive (and, based on the customer's financial situation and needs, an inappropriate) number of securities transactions and the customer routinely followed the broker/dealer's recommendations, *See, e.g., In re Harry Gliksman*, Exchange Act Rel. No. 42255, at 4, 1999 SEC LEXIS 2685, at *6 (Dec. 20, 1999) (''Under [Rule 2310], recommendations may be unsuitable if the trading is excessive based on the customer's objectives and financial situation.''); *In re Rafael Pinchas*, Exchange Act Rel. No. 41816, at 11–12, 1999 SEC LEXIS 1754, at *22 (Sept. 1, 1999) (''[E]xcessive trading, by itself, can violate NASD suitability standards by representing an unsuitable frequency of trading.'').

[5] While other NASD rules may cover circumstances where members are making recommendations (*see, e.g.*, Rule 2210, ''Communications with the Public''), this Policy Statement is limited to a discussion of the suitability rule.

[6] *See* SEC Guidance on the Use of Electronic Media (''Use of Electronic Media''), Release Nos. 34–7856, 34–42728, IC–24426, 65 Fed. Reg. 25843, 25843, 2000 SEC LEXIS 847, at *4 (Apr. 28, 2000) (''By facilitating rapid and widespread information dissemination, the Internet has had a significant impact on capital-raising techniques and, more broadly, on the structure of the securities industry.'').

[7] A member or associated person who simply effects a trade initiated by a customer without a related ''recommendation'' from the member or associated person is not required to perform a suitability analysis, although members may elect to determine whether a security is suitable under such circumstances for their own business reasons. *See In re Thomas E. Warren, III*, 51 S.E.C. 1015, 1019 n.19, 1994 SEC LEXIS 508, *11 n.19 (1994) (''We do not believe the suitability claims brought against the Applicant are supported by the record. There is no evidence that Warren recommended the transactions that were effected in these accounts.''), *aff'd*, 69 F.3d 549 (10th Cir. 1995) (table format); SEC Announcement of Final Rule on Sales Practice Requirements for Certain Low-Priced Securities, Release No. 34–27160, 54 Fed. Reg. 35468, 1989 SEC LEXIS 1603, at *52 (Aug. 22, 1989) (''[T]he NASD and other suitability rules have long applied only to 'recommended' transactions.''); Clarification of Notice to Members (''NtM'') 96–60, 1997 NASD LEXIS 20 (FYI, Mar. 1997) (stating that a member's suitability obligation under Rule 2310 applies only to securities that have been recommended by the member). Similarly, the suitability rule does not apply where a member merely gathers information on a particular customer, but does not make any ''recommendations.'' This is true even if the information is the type of information generally gathered to satisfy a suitability obligation.

Members should nonetheless remember that, under NASD Rule 2110, they are required to comply with know-your-customer obligations. Pursuant to these obligations, members must make reasonable efforts to obtain certain basic financial information from customers so that members can protect themselves and the integrity of the securities markets from customers who do not have the financial means to pay for transactions. *See* NtM 96–32, 1996 NASD LEXIS 51 (May 1996) (reminding members of their know-your-customer obligations), *supplemented and clarified on different grounds by* NtM 96–60 (Sept. 1996); *see also* NtM 99–11, 1999 NASD LEXIS 77 (Feb. 1999) (''While [this Notice] does not address firms' suitability obligations in connection with recommended transactions or their know-your-customer obligations, firms are reminded that the existence of these obligations does not depend upon whether a trade is executed on-line or otherwise.''); NtM 98–66, 1998 NASD LEXIS 81 (Aug. 1998) (noting that members should provide a description of ''any internal system protocols designed to fulfill a member's 'know your customer' obligations''). Unlike the suitability rule, the NASD's know-your-customer requirements apply to members regardless of whether they have made a ''recommendation.''

[8] *See generally* SEC Commissioner Laura Unger, *Online Brokerage: Keeping Apace of Cyberspace* (Nov. 1999) (''Unger Report'') (discussing various views espoused by online brokerage firms, regulators and academics on the topic of online suitability). The Unger Report can be accessed through the SEC Web Site at www.sec.gov/news/spstindx.htm (last modified on May 4, 2000). *See also Developments in the Law—The Law of Cyberspace,* 112 Harv. L. Rev. 1574, 1582–83 (1999) (The article highlights the broader debate by

questions have arisen: first, whether the current suitability rule should even apply to online activities, and second, if so, what types of online communications constitute ''recommendations'' for purposes of the rule. In answer to the first question, NASD Regulation believes that the suitability rule applies to all ''recommendations'' made by members to customers—including those made via electronic means—to purchase, sell, or exchange a security. Electronic communications from broker/dealers to their customers clearly can constitute ''recommendations.'' The suitability rule, therefore, remains fully applicable to online activities in those cases where the member ''recommends'' securities to its customers.

With regard to the second question, NASD Regulation does not seek to identify in this Policy Statement all of the types of electronic communications that may constitute ''recommendations.'' As NASD Regulation has often emphasized, ''[w]hether a particular transaction is in fact recommended depends on an analysis of all the relevant facts and circumstances.''[9] That is, the test for determining whether any communication (electronic or traditional) constitutes a ''recommendation'' remains a ''facts and circumstances'' inquiry to be conducted on a case-by-case basis.

NASD Regulation also recognizes that many forms of electronic communications defy easy characterization. Nevertheless, we offer as guidance the following general principles for member firms to use in determining whether a particular communication could be deemed a ''recommendation.'' As illustrated by the examples provided below, the ''facts and circumstances'' determination of whether a communication is a ''recommendation'' requires an analysis of the content, context, and presentation of the particular communication or set of communications. The determination of whether a ''recommendation'' has been made, moreover, is an objective rather than a subjective inquiry. An important factor in this regard is whether—given its content, context, and manner of presentation—a particular communication from a broker/dealer to a customer reasonably would be viewed as a ''call to action,'' or suggestion that the customer engage in a securities transaction. Members should bear in mind that an analysis of the content, context, and manner of presentation of a communication requires examination of the underlying substantive information transmitted to the customer and consideration of any other facts and circumstances, such as any accompanying explanatory message from the broker/dealer.[10] Another principle that members should keep in mind is that, in general, the more individually tailored the communication to a specific customer or a targeted group of customers about a security or group of securities, the greater likelihood that the communication may be viewed as a ''recommendation.'' [11]

Scope of the Term ''Recommendation'': Examples

In order to provide guidance to members, NASD Regulation offers some examples of electronic communications that could be viewed as within or outside the definition of ''recommendation.'' These examples are intended to show the application of the above-mentioned general principles.

In addition to when a member acts merely as an order-taker regarding a particular transaction,[12] NASD Regulation generally would view the following activities and communications as falling outside the definition of ''recommendation'':

• A member creates a Web Site that is available to customers or groups of customers. The Web Site has research pages or ''electronic libraries'' that contain research reports (which may include buy/sell recommendations from the author of the report), news, quotes, and charts that customers can obtain or request.

• A member has a search engine on its Web Site that enables customers to sort through the data available about the performance of a broad range of stocks and mutual funds, company fundamentals, and industry sectors. The data is not limited, for instance, to, and does not favor, securities in which the member makes a market or has made a ''buy'' recommendation. Customers use and direct this tool on their own. Search results from this tool may rank securities using any criteria selected by the customer, and may display current news, quotes, and links to related sites.[13]

• A member provides research tools on its Web Site that allow customers to screen through a wide universe of securities (*e.g.,* all exchange-listed and Nasdaq securities) or an externally recognized group of securities (*e.g.,* certain indexes) and to request lists of securities that meet broad, objective criteria (*e.g.,* all companies in a certain sector with 25 percent annual earnings growth). The member does not impose limits on the manner in which the research tool searches through a wide universe of securities, nor does it control the generation of the list in order to favor certain securities. For instance, the member does not limit the universe of securities to those in which it makes a market or for which it has made a ''buy'' recommendation. Similarly, the algorithms for these tools are not programmed to produce lists of securities based on subjective factors that the member has created or developed, nor do the algorithms, for example, produce lists that favor those securities in which the member makes a market or for which the member has made a ''buy'' recommendation.

• A member allows customers to subscribe to e-mails or other electronic communications that alert customers to news affecting the securities in the customer's portfolio or on the customer's ''watch list.'' Such news might include price changes, notice of pre-scheduled events (such as an

academics and judges over whether ''to apply conventional models of regulation to the Internet.'').

[9] Clarification of NtM 96–60, 1997 NASD LEXIS 20 (FYI, Mar. 1997).

[10] For example, if a broker/dealer transmitted a research report to a customer at the customer's request, that communication may not be subject to the suitability rule; whereas, if the same broker/dealer transmitted the very same research report with an accompanying message, either oral or written, that the customer should act on the report, the suitability analysis would be different.

[11] *See Online Brokerage Services and the Suitability Rule,* NASD Regulatory & Compliance Alert, at 20 (Summer 2000) (noting that the more individualized and particular the communication about a security, the closer the communication is to being viewed as a ''recommendation''). The Regulatory & Compliance Alert article is also available at www.nasdr.com/rca_summer00.htm. *See also* Thomas L. Taylor III & Alan S. Petlak, *Q&A Online: Chat, Research*, Compliance Reporter, July 31, 2000, at 11 (stating that a factor to consider when determining whether a communication is a ''recommendation'' is the degree to which it is individualized and specific).

[12] *See supra* note 7 and accompanying text.

[13] Note, however, that hyperlinks conceivably could create suitability obligations, depending, for example, on the information provided to and from the hyperlinked site, the extent to which a member endorses the content of the hyperlinked site, the nature of the firm's relationship to the hyperlinked site, and other attendant facts and circumstances. It should also be noted that NASD Regulation has previously issued guidance regarding the responsibility of members for the content of hyperlinked sites. *See* Letter from Thomas Selman, Vice President, NASD Regulation, Disclosure and Investor Protection to Craig Tyle, General Counsel, Investment Company Institute, Nov. 11, 1997. This letter can be assessed through NASD Regulation's Web Site at *www.nasdr.com/2910/2210 01.htm. See also* Use of Electronic Media, *supra* note 6, at 65 Fed. Reg. at 25848–25849, *32–49 (discussing responsibility for hyperlinked information). In addition, NASD Regulation has provided guidance to firms regarding the use of ''chat rooms'' and ''bulletin boards.'' *See* NtM 96–50, 1996 NASD LEXIS 60 (July 1996).

imminent bond maturation), or generalized information. The customer selects the scope of the information that the firm will send to him or her.

NASD Regulation generally would view the following communications as falling within the definition of ''recommendation'':

• A member sends a customer-specific electronic communication (*e.g.*, an e-mail or pop-up screen) to a targeted customer or targeted group of customers encouraging the particular customer(s) to purchase a security.[14]

• A member sends its customers an e-mail stating that customers should be invested in stocks from a particular sector (such as technology) and urges customers to purchase one or more stocks from a list with ''buy'' recommendations.

• A member provides a portfolio analysis tool that allows a customer to indicate an investment goal and input personalized information such as age, financial condition, and risk tolerance. The member in this instance then sends (or displays to) the customer a list of specific securities the customer could buy or sell to meet the investment goal the customer has indicated.[15]

• A member uses data-mining technology (the electronic collection of information on Web Site users) to analyze a customer's financial or online activity—whether or not known by the customer—and then, based on those observations, sends (or ''pushes'') specific investment suggestions that the customer purchase or sell a security. Members should keep in mind that these examples are meant only to provide guidance and are not an exhaustive list of communications that NASD Regulation does or does not consider to be ''recommendations.'' As stated earlier, many other types of electronic communications are not easily characterized. In addition, changes to the factual predicates upon which these examples are based (or the existence of additional factors) could alter the determination of whether similar communications may or may not be viewed as ''recommendations.'' Members, therefore, should analyze all relevant facts and circumstances, bearing in mind the general principles noted earlier and discussed below, to determine whether a communication is a ''recommendation,'' and they should take the necessary steps to fulfill their suitability obligations. Furthermore, these examples are based on technological services that are currently used in the marketplace. They are not intended to direct or limit the future development of delivery methods or products and services provided online.

Guidelines For Evaluating Suitability Obligations

NASD Regulation believes that members should consider, at a minimum, the following guidelines when evaluating their suitability obligations. None of these guidelines is determinative. Each is but one factor to be considered in evaluating all of the facts and circumstances surrounding the communication.

• A member cannot avoid or discharge its suitability obligation through a disclaimer where the particular communication reasonably would be viewed as a ''recommendation'' given its content, context, and presentation.[16] NASD Regulation, however, encourages members to include on their Web Sites (and in other means of communication with their customers) clear explanations of the use and limitations of tools offered on those sites.

• Members should analyze any communication about a security that reasonably could be viewed as a ''call to action'' and that they direct or appear to direct to a particular individual or targeted group of individuals—as opposed to statements that are generally made available to all customers or the public at large—to determine whether a ''recommendation'' is being made.[17]

• Members should scrutinize any communication to a customer that suggests the purchase, sale, or exchange of a security—as opposed to simply providing objective data about a security—to determine whether a ''recommendation'' is being made.[18]

• A member's transmission of unrequested information will not necessarily constitute a ''recommendation.'' However, when a member decides to send a particular customer unrequested information about a security that is not of a generalized or administrative nature (*e.g.,* notification of a stock split or a dividend), the member should carefully review the circumstances under which the information is being provided, the manner in which the information is

[14] Note that there are instances where sending a customer an electronic communication that highlights a particular security (or securities) will not be viewed as a ''recommendation.'' For instance, while each case requires an analysis of the particular facts and circumstances, a member generally would not be viewed as making a ''recommendation'' when, pursuant to a customer's request, it sends the customer (1) electronic ''alerts'' (such as accounting activity alerts, market alerts, or price, volume, and earnings alerts) or (2) research announcements (*e.g.,* a firm's ''stock of the week'') that are tailored to the individual customer, as long as neither—given their content, context, and manner of presentation—would lead a customer reasonably to believe that the firm is suggesting that the customer take action in response to the communication.

[15] Note, however, that a portfolio analysis tool that merely generates a suggested mix of general classes of financial assets (*e.g.,* 60 percent equities, 20 percent bonds, and 20 percent cash equivalents), without an accompanying list of securities that the customer could purchase to achieve that allocation, would not trigger a suitability obligation. On the other hand, a series of actions which may not constitute ''recommendations'' when considered individually, may amount to a ''recommendation'' when considered in the aggregate. For example, a portfolio allocator's suggestion that a customer could alter his or her current mix of investments followed by provision of a list of securities that could be purchased or sold to accomplish the alteration could be a ''recommendation.'' Again, however, the determination of whether a portfolio analysis tool's communication constitutes a ''recommendation'' will depend on the content, context, and presentation of the communication or series of communications.

[16] Although, as noted previously, a broker/dealer cannot disclaim away its suitability obligation, informing customers that generalized information provided is not based on the customer's particular financial situation or needs may help clarify that the information provided is not meant to be a ''recommendation'' to the customer. Whether the communication is in fact a ''recommendation'' would still depend on the content, context, and presentation of the communication. Accordingly, a member that sends a customer or group of customers information about a security might include a statement that the member is not providing the information based on the customer's particular financial situations or needs. Members may properly disclose to customers that the opinions or recommendations expressed in research do not take into account individual investors' circumstances and are not intended to represent ''recommendations'' by the member of particular stocks to particular customers.

Members, however, should refer to previous guidelines issued by the SEC and NASD that may be relevant to those and/or related topics. For instance, the SEC has issued guidelines regarding whether and under what circumstances third-party information is attributable to an issuer, and the SEC noted that the guidance also may be relevant regarding the responsibilities of broker/dealers. Use of Electronic Media, supra not 6, at 65 Fed. Reg. 25848–25849, *32–49 (discussing entanglement and adoption theories). *See also supra* note 13 and discussion therein.

[17] We note that there are circumstances where the act of sending communication to a specific group of customers will not necessarily implicate the suitability rule. For instance, a broker/dealer's business decision to provide only certain types of investment information (e.g., research reports) to a category of ''premium'' customers would not, without more, trigger application of the suitability rule. Conversely, members may incur suitability obligations when they send a communication to a large group of customers urging those customers to invest in a security.

[18] As with the other general guidelines discussed in this Policy Statement, the presence of this factor alone does not automatically mean that a ''recommendation'' has been made. For example, where a customer affirmatively requests to be alerted (by e-mail or pop-up screen) when a security reaches a specific price-point, when a company issues an earnings release, or when an analyst changes his or her recommendation of a particular security, the broker/dealer's decision to send the customer the requested information, without more, would not necessarily trigger a suitability obligation.

delivered to the customer, the content of the communication, and the original source of the information. The member should perform this review regardless of whether the decision to send the information is made by a representative employed by the member or by a computer software program used by the member.

• Members should be aware that the degree to which the communication reasonably would influence an investor to trade a particular security or group of securities—either through the context or manner of presentation or the language used in the communication—may be considered in determining whether a ''recommendation'' is being made to the customer.

NASD Regulation emphasizes that the factors listed above are guidelines that may assist members in complying with the suitability rule. Again, the presence or absence of any of these factors does not by itself control whether a ''recommendation'' has been made or whether the member has complied with the suitability rule. Such determinations can be made only on a case-by-case basis taking into account all of the relevant facts and circumstances.

Conclusion

The foregoing discussion highlights some suggested guidelines to assist in determining when electronic communications constitute ''recommendations,'' thereby triggering application of the NASD's suitability rule. NASD Regulation acknowledges the numerous benefits that are enjoyed by members and their customers as a result of the Internet and online brokerage services. NASD Regulation emphasizes that it neither takes a position on nor seeks to influence any firm's or customer's choice of a particular business model in this electronic environment. At the same time, however, NASD Regulation urges members both to consider all compliance implications when implementing new services and to remember that customers' best interests must continue to be of paramount importance in any setting, traditional or online.

As new technologies and/or services evolve, NASD Regulation will continue to provide statements or guidance regarding the application of the suitability rule and other rules.[19] To date, NASD Regulation has worked to resolve various suitability-related issues with federal and state regulators, NASD Regulation's e-Brokerage Committee, the NASD's Legal Advisory Board and Small Firm Advisory Board, NASD Regulation's Standing and District Committees, and the NASD membership. This open dialogue has been beneficial, and NASD Regulation will continue to work with regulators, members of the industry and the public on these and other important issues that arise in the online brokerage environment.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of, and basis for, the proposed rule change. NASD Regulation neither solicited nor received written comments on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Member firms are increasingly offering online brokerage services to their retail customers. The Internet gives retail customers the tools to manage their own accounts and conduct their own trading activity and the ability to obtain access to an unprecedented amount of information. Online trading offers many benefits to member firms and retail customers, but member firms must continue to fulfill their suitability obligations in the online environment whenever they ''recommend'' to a customer the purchase, sale, or exchange of a security.

The Notice to Members states that the suitability rule (NASD Rule 2310) remains fully applicable to online activities in those cases where a member ''recommends'' securities transactions to its customers. The Notice to Members does not alter member obligations under the suitability rule,[5] nor does it establish a ''bright line'' test for determining whether a particular communication constitutes a ''recommendation'' for purposes of the suitability rule. NASD Regulation instead provides guidance to members through the use of examples of communications that NASD Regulation believes fall within and outside the definition of ''recommendation.'' The Notice to Members also articulates several broad principles that member firms can use in evaluating whether a particular online communication could fall within the definition of ''recommendation'' for purposes of the suitability rule.

2. Statutory Basis

NASD Regulation believes that the Notice to Members is consistent with the provisions of Section 15A(b)(6) of the Act,[6] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that member firms that make ''recommendations'' to customers in the online environment have an obligation to determine whether the ''recommendations'' are suitable for such customers. NASD Regulation believes that this Notice to Members is necessary to protect investors and the public interest with respect to online trading.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the Notice to Members will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule and, therefore, has become effective pursuant to pursuant to Section 19(b)(3)(A) of the Act[7] and paragraph (f)(1) of Rule 19b–

[19] In this regard, NASD Regulation is considering further discussion of the application of the suitability rule to electronic communications involving initial public offerings in future guidance.

[5] A change to conform the description of the Notice to Members with the text of the Notice to Members was made pursuant to a telephone conversation between Nancy C. Libin, Assistant General Counsel, Office of the General Counsel, NASD Regulation, Inc., and Marc McKayle, Special Counsel, Division of Market Regulation, Commission, on March 20, 2001.

[6] 15 U.S.C. 78*o*–3(b)(6)

[7] 15 U.S.C. 78s(b)(3)(A).

4 thereunder.[8] At any time within 60 days of the filing of this proposed rule change, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

The Commission notes that although NASD Notice to Members 01–23 does not expressly discuss electronic communications that recommend investment strategies, the NASD suitability rule continues to apply to the recommendation of investment strategies, whether that recommendation is made via electronic communication or otherwise.[9]

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the Notice to Members that are filed with the Commission, and all written communications relating to the Notice to Members between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2001–20 and should be submitted by May 15, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10109 Filed 4–23–01; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 240.19b–4(f)(1).

[9] *See* F.J. Kaufman, 50 S.E.C. 164, Securities Exchange Act Release No. 27535 (December 13, 1989) (Recommendation of margined buy-write strategy found unsuitable for certain customers).

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3333]

State of Mississippi

As a result of the President's major disaster declaration on April 17, 2001, I find that Attala, Holmes, and Lee Counties in the State of Mississippi constitute a disaster area due to damages caused by Flooding and Severe Storms occurring between April 3–5, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on June 17, 2001 and for economic injury until the close of business on January 17, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Mississippi may be filed until the specified date at the above location: Carroll, Chickasaw, Choctaw, Humphreys, Itawamba, Leake, Leflore, Madison, Monroe, Montgomery, Neshoba, Pontotoc, Prentiss, Union, Winston and Yazoo.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 333306. For economic injury the number is 9L4900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: April 18, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–10146 Filed 4–23–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[License No. 09/09–5279]

Notice of Surrender of License

Notice is hereby given that Asian American Capital Corporation, located at 1251 West Tennyson Road, Suite 4, Hayward, California 94544, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Asian American Capital Corporation was licensed by the Small Business Administration on February 23, 1981.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was acted on this date, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.11, Small Business Investment Companies)

Dated: April 17, 2001.

Harry E. Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–10097 Filed 4–23–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part T of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter TA covers the Deputy Commissioner for Disability and Income Security Programs. Notice is hereby given that Subchapter TAH, Office of Hearings and Appeals, is being amended to reflect a realignment of functional responsibilities within the Office of the Associate Commissioner and realignment and expansion of functional responsibilities in the Office of Management (TAHE). The new material and changes are as follows:

Section TAH.10 The Office of Hearings and Appeals—(Organization):

C. The Immediate Office of the Associate Commissioner for Hearings and Appeals (TAH).

Establish:

3. The Equal Employment Opportunity Staff (TAH–3).

H. The Office of Management (TAHE).

Abolish:

1. The Equal Employment Opportunity Staff (TAHE1).

6. The Division of Management Analysis and Employee Development (TAHE6).

Retitle:

5. The ''Office Automation Support Staff '' as ''Division of Technology Information Integration'' (TAHE7).

Establish:

1. The Division of Management Analysis (TAHE8).

6. The Division of Training and Employee Development (TAHE9).

Section TAH.20 The Office Hearings and Appeals—(Functions):

C. The Immediate Office of the Associate Commissioner for Hearings and Appeals (TAH).

Establish:

3. The Equal Employment Opportunity Staff (TAH–3).

The Equal Employment Opportunity Staff (TAH–3) is responsible for OHA's Equal Employment Opportunity (EEO) Program. Plans, develops, implements and monitors OHA's Affirmative Action Program, and administers the EEO complaint process for OHA Headquarters. Provides guidance for, and monitoring of OHA regional EEO programs.

H. Office of Management (TAHE).

Delete sentences number 6, 9 and 10. Specifically, delete sentence #6 which reads:

''Plans, directs and implements an Equal Employment Opportunity (EEO) program within OHA.'' In addition, delete sentences #9 and #10 which read as follows: ''Plans, directs and provides administrative support services in the areas of safety and self-protection. Administers security programs and inspections, and coordinates with local law enforcement officials to ensure protection of OHA property and personnel, including emergency planning and security.''

Abolish in their entirety:

1. The Equal Employment Opportunity Staff (TAHE1).

6. The Division of Management Analysis and Employee Development (TAHE6).

Amend as follows:

3. The Division of Materiel Resource (TAHE4).

Add as the last two sentences of the functional statement: ''Plans, directs, and provides administrative support services in the areas of safety and self-protection. Administers security programs and inspections, and coordinate with local law enforcement officials to ensure protection of OHA property and personnel, including emergency planning and security. Researches and develops the Family Friendly Workplace initiative for OHA, including childcare, eldercare, telecommuting centers, wellness programs, etc.''

Retitle and amend as follows:

5. The ''Office Automation Support Staff '' as ''Division of Technology Information Integration'' (TAHE7).

The Division of Information Technology Integration leads the effort in developing OHA's Information Technology strategy consistent with SSA's system architecture. Represents OHA in various agency executive level meetings in planning and reviewing systems projects. Provides office automation and data processing support to all OHA components. Develops and coordinates functional requirements specifications for all new OHA systems and modifications to existing systems in direct support of the hearings and appeals workloads as well as administrative information systems. Develops proposed automation initiatives in response to user needs and new legislative requirements. Directs and coordinates user requirements through the Automation Planning Groups. Provides logistical support to the Office of Systems (OS) during the implementation of new applications and technology. Develops performance criteria, and approves the resulting system for operational acceptance. Provides systems support for the planning, design and development of functional requirements and the specification, validation and implementation of all OHA IT initiatives. Serves as liaison with ODISP, OS and other agency components on all long-range IT goals and objectives, and ensures that OHA's IT strategy, methodology and approaches are in agreement with SSA's Agency Strategic Plan, future process change initiatives/visions, System Architecture and Entrepreneurial Activities. Ensures that OHA systems related projects are incorporated in the Systems 5-Year Plans at appropriate times. Identifies OHA training needs with respect to systems activities, and coordinates with responsible OHA and/or other agency components to ensure end-users needs are met. Designs and conducts training, if necessary. Develops requirements and cost benefit analysis for the OHA ITS budget submissions. Evaluates OHA user requests for IT services, equipment and software. Monitors OHA's ITS small purchase procurements through the procurement cycle. Under the guidance of SSA's Systems Security directs the operations of the agency's automated access control program for OHA. Coordinates the agency's security initiatives in support of all OHA business processes. Coordinates security training and awareness activities for OHA. In conjunction with the Division of Materiel Resources, is responsible for the security, maintenance and integrity of the IT equipment inventory. Provides coordination and support to OS to ensure efficient and effective implementation and operation of the agency's nationwide telecommunications network used by OHA. Maintains liaison with OHA regional systems staff and Headquarters staff for the purpose of identifying operation problems or needs. and makes recommendations to OS to resolve outstanding issues. Coordinates and performs site preparation, workstation and server installations in Headquarters and the field. Coordinates and monitors maintenance issues for IT equipment nationwide. Performs e-mail administration for OHA Headquarters. Assists OS in performing e-mail administration for OHA field offices. Following guidance from the agency and coordinating with other Webmasters, performs OHA's Internet/Intranet Webmaster functions. Directs the operation of the Model OHA Office in Falls Church.

Establish:

1. The Division of Management Analysis (TAHE8):

The Division of Management Analysis advises the Director, Office of Management and the Associate Commissioner in all management areas involving management practices, management analysis, operational analysis and the resolution of management/employee concerns and problems. Plans, designs and administers evaluation programs and tracking systems to assess the efficiency and effectiveness of OHA operations in the field and Headquarters. Serves as the focal point of contact for reporting and monitoring strategic planning initiatives. Also serves as a point of contact for initiatives related to human resources, labor relations, employee recognition and communicates such issues to OHA managers. Coordinates the General Accounting Office, the Office of Inspector General, SSA and other Agencies' studies of OHA operations. Directs OHA's administrative delegations of authority and planning activities.

6. The Division of Training and Employee Development (TAHE9):

The Division of Training and Employee Development administers and leads OHA's employee development, career and succession planning programs, directs the general activities of the OHA National Training Center in Kansas City and manages the Learning Resource Center. Provides overall training leadership that reflects the needs of OHA and develops overall

OHA training policy for the agency's strategic plans. Manages funding and other resources used to support the OHA training function. Provides technical assistance to components to conduct needs analysis, integrates component lists of training needs and prioritizes them. Decides what training vehicles are best for the training to be provided. Maintains technical leadership in training technology. Leads the overall OHA training evaluation program, assuring that the evaluation process is tied into the budget planning cycle so that expenditures can be accounted for in accordance with the requirements of the Office of Management and Budget. Plans annual training, estimates the funding needs, and ties funding requests and funding expenditures to strategic objectives and individual competencies.''

Dated: April 16, 2001.

Paul D. Barnes,

Deputy Commissioner for Human Resources.

[FR Doc. 01–10081 Filed 4–23–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

Bureau of Population, Refugees, and Migration

[Public Notice 3649]

Notice of Information Collection Under Emergency Review; Refugee Biographic Data, OMB # 1405–0102

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Reinstatement of collection for which approval has expired.

Originating Office: Bureau of Population, Refugees, and Migration (PRM).

Title of Information Collection: Refugee Biographic Data.

Frequency: On occasion.

Form Number: N/A.

Respondents: Refugees Abroad.

Estimated Number of Respondents: 80,000.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 40,000 hours.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by April 21, 2001. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–3897.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date of publication of this notice in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR ADDITIONAL INFORMATION: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Terry Rusch, Director Office of Admissions, Bureau for Population, Refugees and Migration, U.S. Department of State, Washington, DC 20520 (202–663–1047).

Dated: April 4, 2001.

James. P. Kelley,

Executive Director, Bureau of Population, Refugees and Migration, Department of State.

[FR Doc. 01–10128 Filed 4–23–01; 8:45 am]

BILLING CODE 4710–33–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–9433]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Number 2115–0619

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR comprises Inflatable Personal Flotation Devices for Recreational Vessels. Before submitting the ICR to OMB, the Coast Guard is requesting comments on it.

DATES: Comments must reach the Coast Guard on or before June 25, 2001.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2001–9433], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for this request. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete ICR are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2001–9433], and give the reason for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Request

1. *Title:* Inflatable Personal Flotation Devices for Recreational Vessels.

OMB Control Number: 2115–0619.

Summary: The information collected will identify inflatable personal flotation devices (PFDs) by number, ensure compliance with Coast Guard regulations, and, made public, inform owners of PFDs on proper use, care, and maintenance of PFDs.

Need: The information collected under 46 CFR subpart 160.076 mainly concerns the labeling and preparation of manuals for inflatable PFDs. 33 CFR 175.15 requires that every person using a recreational vessel carry enough PFDs for each person on board. In keeping with this requirement, the Coast Guard has established a system for approval of PFDs for use on such vessels. To facilitate approval and inspection, the Coast Guard requires that manufacturers place labels on their devices and publish manuals to help the users. The labels serve two purposes. First, they indicate the chest size of each PFD and also display printed and pictographic instructions for proper use and care of it. Second, because they include specific product numbers and manufacturers' names, they are central to the Coast Guard's mission of identifying faulty equipment and then notifying the responsible producer. Like the labels, the manuals serve two purposes. First, they give the users information they will need to properly use and maintain the PFDs. Second, they keep the Coast Guard current on the specifications and design of new PFDs.

Respondents: Frequency: Manufacturers of PFDs.

Frequency: On occasion.

Burden Estimate: The estimated burden is 1,406 hours a year.

Dated: 16 April 2001.

N.S. Heiner,

Acting Director of Information and Technology.

[FR Doc. 01–10139 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Kittitas County Airport, Ellensburg, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at Kittitas County Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before May 22, 2001.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. J. Wade Bryant, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Seattle Airports District Office, 1601 Lind Avenue, S.W., Suite 250, Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Paul Bennett, Director of Public Works, at the following address: Kittitas County, 205 West 5th, Ellensburg, Washington, 98926.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Johnson, Project Manager, Federal Aviation Administration, Northwest Mountain Region, Seattle Airports District Office, 1601 Lind Avenue, S.W., Suite 250, Renton, Washington 98055–4056.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Kittitas County Airport under the provisions of the AIR 21.

On February 1, 2001, the FAA determined that the request to release property at Kittitas County Airport submitted by the city met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than June 15, 2001.

The following is a brief overview of the request:

The Kittitas County Airport requests the release of .29 acres of non-aeronautical airport property to the City of Ellensburg. The purpose of this release is to transfer ownership to the City of Ellensburg for construction of a water tower. The city entered into an agreement to install a water and sewer system that would extend from Ellensburg city limits to the Kittitas County Airport industrial area. The water and sewer improvements increase the value of industrial land at the airport, which will attract potential leases within the industrial area and produce increased revenue for Kittitas County Airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Kittitas County, 205 West 5th, Ellensburg, Washington 98926.

Issued in Renton, Washington on April 4, 2001.

J. Wade Bryant,

Manager, Seattle Airports District Office.

[FR Doc. 01–10133 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Little Rock National Airport, Little Rock, AR

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Little Rock National Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before May 24, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Dean A. McMath, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–613, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Deborah H. Schwartz, Manager of Little Rock National Airport at the following address: Ms. Deborah H. Schwartz, Airport Manager, Little Rock National Airport, Number One Airport Drive, Little Rock, Arkansas 72202.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Dean A. McMath, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–613, Fort

Worth, Texas 76193–0610, (817) 222–5617.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Little Rock National Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 29, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 29, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: September 1, 2001.

Proposed charge expiration date: July 1, 2005.

Total estimated PFC revenue: $23,186,750.

PFC application number: 01–03–C–00–LIT.

Brief Description of Proposed Project(s)

Projects To Impose and Use PFC's

1. Acquire Snow Broom.
2. Acquire Rapid Response Vehicle.
3. Expand Terminal Ramp.
4. Construct Runway 4L–22R South Arresting System, Southwest Perimeter Road, and Extend Taxiway A.
5. Expand Cargo Ramp and Runway 22R Holding Apron.
6. Renovate Terminal Building.
7. PFC Development.

Projects To Impose PFC's

1. Extend Runway 4R–22L and Relocate Roosevelt Road and Grundfest Drive.
2. Acquire Property North and East of Airport.

Proposed class or classes of air carriers to be exempted from collecting PFC's: FAR Part 135 on demand air Taxi/Commercial Operator (ATCO) reporting on FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Little Rock National Airport.

Issued in Fort Worth, Texas on March 29, 2001.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 01–10134 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at MBS International Airport, Saginaw, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at MBS International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before May 24, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Elizabeth E. Owen, Airport Manager of the MBS International Airport at the following address: MBS International Airport, 8500 Garfield Road, Suite 101, Freeland, Michigan 48623.

Air carriers and foreign air carriers may submit copies of written comments previously provided to MBS International Airport under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7281). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at MBS International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On April 2, 2001, the FAa determined that the applicaiton to impose and use the revenue from a PFC submitted by MBS International Airport was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 29, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–04–C–00–MBS.

Level of the proposed PFC: $3.00.

Proposed charge effective date: January 1, 2005.

Proposed charge expiration date: September 1, 2007.

Total estimated PFC revenue: $1,999,052.00.

Brief description of proposed projects: Snow Removal Equipment Procurement (Front End Loader); Design and Expand Snow Removal Equipment Building (Phase II); Expand Airline Terminal Building (Design Only); Reimbursement of Charges for PFC Application Preparation (PFC Number 99–03–C–00–MBS); Land Acquisition (Approximately 75.5 Acres); Rehabilitate Field Lighting (Runways and Taxiways).

Class or classes of air carriers which the public ageny has requested not be required to collect PFCs: FAR Part 135 operators who file FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the MBS International Airport.

Issued in Des Plaines, Illinois, on April 30, 2001.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 01–10137 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Tweed-New Haven Airport, New Haven, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tweed-New Haven Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 24, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Priscilla Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Edwin V. Selden, Executive Director for the Tweed-New Haven Airport Authority at the following address: Tweed-New Haven Airport, 155 Burr Street, New Haven, Connecticut, 06512.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Tweed-New Haven Airport Authority under § 158.23 of part 158 of the Federal Aviation Regulations.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (781) 238–7614. The application may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tweed-New Haven Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 3, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Tweed-New Haven Airport Authority was substantially complete within the requirements of § 158.25 of part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in whole or in part, no later than July 17, 2001.

The following is a brief overview of the impose and use application.

PFC Project #: 01–02–C–00–HVN.

Level of the proposed PFC: $4.50.

Proposed charge effective date: October 1, 2001.

Estimated charge expiration date: November 1, 2007.

Estimated total net PFC revenue: $1,963,265.

Brief description of projects:

Impose and use:

Construct an Airport Rescue and Fire Fighting Building

Conduct an Airport Master Plan Update

Construct Taxiway ''B'' and Runway 2–20 Safety Areas (Permitting)

Reconstruct a Portion of Runway 14–32

Purchase Snow Removal Equipment

Terminal Apron Glycol Recovery System Study

Obstruction Removal—Phase I Analysis and Plan

Impose:

Land Acquisition—Runway Protection Zone

Construct Taxiway ''B'' and Runway 2–20 Safety Areas

Install Perimeter Fencing

Rehabilitate Runway 2–20

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Tweed-New Haven Airport, 155 Burr Street, New Haven, Connecticut 06512.

Issued in Burlington, Massachusetts on April 5, 2001.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 01–10132 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9465]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MYSTIC DREAM.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before May 24, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9465. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR section 1.66, Delegations to the Maritime Administrator, as amended.

By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* MYSTIC DREAM. *Owner:* Thomas and Anne Foley.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''Net Weight is 24,000 lbs., length is 44 feet, width is 13.5 feet, draft is 4 feet, capacity is 6 passengers.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* We are starting a private Bed & Breakfast on the water.'' ''The Keys from Homestead, FL to Key West, FL including Dry Tortugas.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1989. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''This is a fairly unique concept, as there does not seem to be any competition. There are many fishing snorkel and diving charter boats but none for a Bed & Breakfast.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''There should be no effect on U.S. shipyards or marinas other than to give them income for maintenance.''

Dated: April 18, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–10112 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7139; Notice 2]

Decision that Nonconforming 1999–2000 Mercedes Benz Gelaendewagen Multi-Purpose Passenger Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1999–2000 Mercedes Benz Gelaendewagen multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1999–2000 Mercedes Benz Gelaendewagen MPVs not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: This decision is effective as of the date of its publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. section 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. section 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. section 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies (formerly J.K. Motors) of Baltimore, Maryland (''J.K.'') (Registered Importer 90–006) petitioned NHTSA to decide whether 1999–2000 Mercedes Benz Gelaendewagen MPVs are eligible for importation into the United States. NHTSA published notice of the petition on July 19, 2000 (65 FR 44848) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

J.K. petitioned the agency to decide that the 1999–2000 Mercedes Benz Gelaendewagen is eligible for importation under 49 U.S.C. section 30141(a)(1)(A) on the basis that those vehicles are substantially similar to motor vehicles of the same model year that were originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. section 30115. The substantially similar motor vehicles identified in the petition were 1999–2000 Mercedes Benz Gelaendewagens that were manufactured for importation into, and sale in, the United States, and certified by Europa International, Inc. (''Europa''), as conforming to all applicable Federal motor vehicle safety standards prior to their importation into the United States.

The notice of petition explained that in March 1998, Daimler Benz, A.G., as the company was then known, provided a letter of understanding to Europa under which Gelaendewagens manufactured in Graz, Austria, would be produced to Europa's specifications, and then shipped to a Mercedes facility in Germany for installation of additional electronic equipment (OBD II) needed to effect compliance with Federal emissions control requirements. DaimlerChrysler A.G. modified the letter of understanding in December 1999 to state that incomplete vehicles, for which it would make no representation of compliance, would be sent to the German facility for completion. At the end of either process, Europa certifies compliance

with all applicable Federal requirements of the Department of Transportation and the Environmental Protection Agency.

The notice of petition stated that under these factual circumstances, Europa could be regarded as the ''manufacturer'' of the Gelaendewagens that it has certified to U.S. standards, permitting J.K. to petition for an eligibility determination on the basis that the Gelaendewagens it wishes to import are substantially similar to vehicles certified by their original manufacturer for sale in the United States.

One comment was received in response to the notice of petition, from Europa, which described itself as the ''final stage manufacturer'' of 1999 and subsequent model year Gelaendewagens that it has imported into the United States. In this comment, Europa contended that J.K. did not establish in its petition that nonconforming 1999–2000 Gelaendewagens are eligible for importation. Europa expressed disagreement with the petition's assertion that 1999–2000 Gelaendewagens are identical to their U.S. certified counterparts with respect to all of the Federal motor vehicle safety standards identified in the notice of petition. Additionally, Europa stated that it performs a significant amount of work to conform Gelaendewagens to Standard Nos. 108, *Lamps, Reflective Devices, and Associated Equipment,* and 208, *Occupant Crash Protection.* In apparent reference to the fact that J.K. had requested, and been granted confidentiality with respect the engineering modifications it planned to make to conform the vehicles to those standards, Europa observed that in the absence of information on those modifications, it could reach no decision on whether they would achieve the intended result.

After receiving this comment, NHTSA requested Europa to state its objections with greater specificity. With this request, NHTSA informed Europa that the modifications that J.K. was proposing to conform 1999–2000 Gelaendewagens to Standard Nos. 108 and 208 were identical to ones Europa had described in import eligibility petitions it had submitted on earlier models of the vehicle.

Europa responded to NHTSA's request that it provide more specific comments on the petition. In this response, Europa observed that the petition incorrectly stated that the 1999–2000 Gelaendewagens were originally manufactured to conform to Standard Nos. 105, *Hydraulic and Electric Brake Systems,* 206, *Door Locks and Door Retention Components,* and 301, *Fuel System Integrity.* Europa stated that the vehicle was modified to meet those standards. In addition, Europa noted that the petition identified only one modification to conform the vehicles to Standard No. 111 *Rearview Mirrors* (adding warning text to the passenger side mirror), and contended that additional modifications, which it did not specify, were necessary to bring the vehicles into full compliance with that standard. Europa concluded its response by reiterating the belief that the petition does not establish that nonconforming 1999–2000 Gelaendewagens are eligible for importation.

NHTSA accorded J.K. an opportunity to respond to Europa's comments. In its response, J.K. stated that to achieve compliance with the marking requirements of Standard No. 105, it planned to replace the brake fluid reservoir cap on the nonconforming 1999–2000 Gelaendewagens with a U.S.-model cap on which the information required by the standard is embossed. J.K. further acknowledged that its petition failed to identify the modifications that are necessary to conform the vehicles to the rear door locking requirements of Standard No. 206. J.K. stated that it intends to partially disable the rear door lock mechanisms so that those locks conform to the standard.

NHTSA furnished Europa with a copy of J.K.'s response and asked it to elaborate on its previous comments and identify any additional modifications necessary to conform 1999–2000 Gelaendewagens to Standard Nos. 105, 111, 206, and 301. Europa responded by stating that it had no additional comments to make with regard to the petition.

J.K. subsequently informed NHTSA that it wished to change the basis for its petition from 49 U.S.C. section 30141(a)(1)(A) to 49 U.S.C. section 30141(a)(1)(B). As such, the petition would no longer be grounded on the contention that the 1999–2000 Gelaendewagens that J.K. sought to import were substantially similar to the vehicles of the same model and model years that had been certified by Europa as conforming to all applicable Federal motor vehicle safety standards prior to their importation into the United States. Instead, J.K. elected to proceed on the basis that the 1999–2000 Gelaendewagens that it sought to import have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards. J.K. supplied NHTSA with documentation demonstrating that the modifications it plans to make to 1999–2000 Gelaendewagens are identical to those identified by Europa in its import eligibility petition for the 1998 model year Gelaendewagen, which was granted by the agency.

In view of these developments, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VCP–18 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1999–2000 Mercedes Benz Gelaendewagen MPVs are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 18, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 01–10113 Filed 4–23–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 18, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 24, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0056.

Form Number: IRS Forms 1023 and Form 872–C.

Type of Review: Extension.

Title: Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code (1023); and Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code (872).

Description: Form 1023 is filed by applicants seeking Federal income tax exemption as organizations described in section 501(c)(3). IRS uses the information to determine if the applicant is exempt and whether the applicant is a private foundation. Form 872–C extends the statute of limitations for assessing tax under section 4940.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeeper: 29,409.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/schedule	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
1023 Parts I to IV	55 hr., 43 min	5 hr., 0 min.	8 hr., 32 min.
1023 Schedule A	7 hr., 10 min	0 min	7 min.
1023 Schedule B	4 hr., 46 min	30 min	36 min.
1023 Schedule C	5 hr., 1 min	35 min	42 min.
1023 Schedule D	4 hr., 4 min	42 min	47 min.
1023 Schedule E	9 hr., 19 min	1 hr., 5 min	1 hr., 17 min.
1023 Schedule F	2 hr., 37 min	2 hr., 52 min	3 hr., 3 min.
1023 Schedule G	2 hr., 37 min	0 min	2 min.
1023 Schedule H	1 hr., 54 min	42 min	45 min.
1023 Schedule I	3 hr., 35 min	0 min	3 min.
872–C	1 hr., 25 min	24 min	25 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 2,069,267 hours.

OMB Number: 1545–1591.

Revenue Procedure Number: Revenue Procedure 98–23.

Regulation Project Number: REG–251701–96 NPRM.

Type of Review: Extension.

Title: Qualified Subchapter S Trust Conversions to Electing Small Business Trusts (REG–251701–96); and Electing Small Business Trust (Rev. Proc. 98–23).

Description: The revenue procedure and regulation provide a method for taxpayers to obtain the Secretary's consent to convert a Qualified Subchapter S Trust (QSST) to an Electing Small Business Trust (ESBT) as well as to convert an ESBT to a QSST.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (once).

Estimated Total Reporting Burden: 2,500 hours.

OMB Number: 1545–1729.

Regulation Project Number: REG–107186–00 NPRM and Temporary.

Type of Review: Extension.

Title: Electronic Payee Statements.

Description: In general, under these regulations, a person required to furnish a statement on Form W–2 under Code sections 6041(d) or 6051, or Forms 1098–T or 1098–E under Code section 6050S, may furnish these statements electronically if the recipient consents to receive them electronically, and if the person furnishing the statement (1) makes certain disclosure3s to the recipient, (2) annually notifies the recipient that the statement is available on a website, and (3) provides access to the statement on that website for a prescribed period of time.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeeper: 15,200.

Estimated Burden Hours Per Respondent/Recordkeeper: 6 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,844,950 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 01–10045 Filed 4–23–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 18, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 24, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0232.

Form Number: IRS Form 6497.

Type of Review: Extension.

Title: Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.

Description: Form 6497 is used by any governmental agency or its agents that make nontaxable grants or subsidized financing for energy conservation or production programs. IRS uses the information from the form to ensure that recipients have not claimed tax credits or other benefits with respect to the grant or subsidized financing (no ''double dipping'').

Respondents: Business or other for-profit, Federal Government, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 250.

Estimated Burden Hours Per Recordkeeper:

Recordkeeping—2 hr. 23 min.

Learning about the law or the form—24 min.

Preparing, copying, and sending the form to the IRS—27 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 810 hours.

OMB Number: 1545–0763.

Regulation Project Number: LR–200–76 Final.

Type of Review: Extension.

Title: Qualified Conservation Contributions.

Description: The information is necessary to comply with various substantative requirements of section 170(h), which describes situation in which a taypayer is entitled to an income tax deduction for a charitable contribution for conservation purposes of a partial interest in real estate.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeeper: 1,000.

Estimated Burden Hours Per Recordkeeper: 1 hour, 15 minutes

Estimated Total Recordkeeping Burden: 1,250 hours.

OMB Number: 1545–1308.

Regulation Project Number: PS–260–82 Final.

Type of Review: Extension.

Title: Election, Revocation, Termination, and Tax Effect of Subchapter S Status.

Description: Sections 1.1362–1 through 1.1362–7 of the Income Tax Regulations provide the specific procedures and requirements necessary to implement section 1362, including the filing of various elections and statements with the Internal Revenue Service.

Respondents: Individuals or households, Business or other for-profit, Farms.

Estimated Number of Respondents/Recordkeeper: 133.

Estimated Burden Hours Per Respondent/Recordkeeper: 2 hours, 25 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 322 hours.

OMB Number: 1545–1595.

Revenue Procedure Number: Revenue Procedure 98–25.

Type of Review: Extension.

Title: Automatic Data Processing.

Description: Revenue Procedure 98–25 specifies the basic requirements that the IRS considers to be essential in cases where a taxpayer's records are maintained within an Automatic Data Processing System (ADP). If machine—sensible records are lost, stolen, destroyed, or materially inaccurate, the Revenue Procedure requires that a taxpayer promptly notify its District Director and submit a plan to replace the affected records. The District Director will notify the taxpayer of any objection(s) to the taxpayer's plan. Also, the Revenue Procedure provides that a taxpayer who maintains machine-sensible records may request to enter into a Record Retention Limitation Agreement (RRLA) with its District Director. The taxpayer's request must identify and describe those records the taxpayer proposes not to retain and explain why those records will not become material to the administration of any internal revenue law. The District Director will notify the taxpayer whether or not the District Director will enter into an RRLA. Finally, Revenue Procedure 98–25 provides that the District Director may conduct an evaluation of a taxpayer's machine-sensible records and may initiate testing to establish the authenticity, readability, completeness, and integrity of such records.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeeper: 3,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 40 hours.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 120,000 hours.

OMB Number: 1545–1722.

Form Number: IRS Form 8873.

Type of Review: Extension.

Title: Extraterritorial Income Exclusion.

Description: A taxpayer uses Form 8873 to claim the gross income exclusion provided for by section 114 of the Internal Revenue Code.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeeper: 1,000,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping 21— 21 hr., 45 min.

Learning about the law or the form—1 hr., 53 min.

Preparing, copying, assembling, and sending the form to the IRS—2 hr., 19 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 25,970,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt(202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 01–10126 Filed 4–23–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the User-Limited Permit (Explosives).

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Guy Hummel, Chief, Arson and Explosives Programs Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–7930.

SUPPLEMENTARY INFORMATION:

Title: User-Limited Permit (Explosives).

OMB Number: 1512–0242.

Form Number: ATF F 5400.6.

Abstract: The user-limited permit is useful to the person making a one-time purchase from out-of-state. It is used one time only and is nonrenewable. The explosives distributor makes entries on the form and returns the form to the permittee to prevent reuse of the permit. Dealers maintain copies of the form on file for a period of 5 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,092.

Estimated Time Per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 22.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10098 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Federal Firearms and Ammunition Excise Tax Deposit.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESS: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Stewart, Chief, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8200.

SUPPLEMENTARY INFORMATION:

Title: Federal Firearms and Ammunition Excise Tax Deposit.

OMB Number: 1512–0509.

Form Number: ATF F 5300.27.

Abstract: A federal excise tax is imposed by 26 U.S.C. 4181 on the sale of pistols and revolvers, other firearms, shells and cartridges sold by firearms,manufacturers, producers, and importers. Sections 6001, 6301, and 6302 of Title 26 U.S.C. establish the authority for a deposit of excise tax to be made. The information on the form identifies the taxpayer and establishes the taxpayer's deposit.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, individuals or households.

Estimated Number of Respondents: 283.

Estimated Time Per Respondent: 9 minutes.

Estimated Total Annual Burden Hours: 770.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10099 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Application For License or Permit Under 18 U.S.C. Chapter 40, Explosives.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8054.

SUPPLEMENTARY INFORMATION:

Title: Application For License or Permit Under 18 U.S.C. Chapter 40, Explosives.

OMB Number: 1512–0182.

Form Number: ATF F 5400.13/ 5400.16.

Abstract: Chapter 40, Title 18, U.S.C. provides that any person engaged in the business of explosive materials as a dealer, manufacturer, or importer shall be licensed. The information collected on the form is used to determine if the applicant is qualified to be a licensee or permittee under the provisions of the statute. There is no record retention requirement for the applicant.

Current Actions: There are no changes to this information collection and it is

being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, individuals or households, not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 2,100.

Estimated Time Per Respondent: 1 hour and 9 minutes.

Estimated Total Annual Burden Hours: 812.

Request for Comments:

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10100 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Tax Information Authorization.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Stewart, Chief, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8200.

SUPPLEMENTARY INFORMATION:

Title: Tax Information Authorization.

OMB Number: 1512–0033.

Form Number: ATF F 5000.19.

Abstract: ATF F 5000.19 is required by ATF to be filed when a respondent's representative, not having power of attorney, wishes to obtain confidential information regarding the respondent. After proper completion of the form, information can be released to the representative.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10101 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Referral of Information.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Stewart, Chief, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8200.

SUPPLEMENTARY INFORMATION:

Title: Referral of Information.

OMB Number: 1512–0035.

Form Number: ATF F 5000.21.

Abstract: The form is used to internally refer potential violations of ATF administered statutes and to externally refer to the appropriate Federal, State or local enforcement/regulatory agency potential violations of other statutes. The information is voluntary and pertinent only to the Federal or State agency that has information referred to it.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 500.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10102 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Inventories: Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Guy Hummel, Chief, Arson and Explosives Programs Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–7930.

SUPPLEMENTARY INFORMATION:

Title: Inventories: Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

OMB Number: 1512–0371.

Recordkeeping Requirement ID Number: ATF REC 5400/1.

Abstract: The records show the explosive material inventories of those persons engaged in various activities within the explosives industry and are used by the government as initial figures from which an audit trial can be developed during the course of a compliance inspection or criminal investigation. Licensees and permittees shall keep records on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by licensees or permittee.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 13,106.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 26,212.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10103 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Offer in Compromise of liability incurred under the provisions of Title 26 U.S.C. enforced and administered by the Bureau of Alcohol, Tobacco and Firearms.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Stewart, Chief, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8200.

SUPPLEMENTARY INFORMATION:

Title: Offer in Compromise of liability incurred under the provisions of Title 26 U.S.C. enforced and administered by the Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0221.

Form Number: ATF F 5640.1.

Abstract: ATF F 5640.1 is used by persons who wish to compromise criminal and/or civil penalties for violations of the Internal Revenue Code.

If accepted, the offer in compromise is a settlement between the government and the party in violation in lieu of legal procedings or prosecution. The form identifies the party making the offer, violations, amount of offer and circumstances concerning the violations.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 40.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 80.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10104 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Interstate Firearms Shipment Report of Theft/Loss.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8054.

SUPPLEMENTARY INFORMATION:

Title: Interstate Firearms Shipment Report of Theft/Loss.

OMB Number: 1512–0007.

Form Number: ATF F 3310.6.

Abstract: ATF F 3310.6 is used by common carriers to ensure that firearms stolen from their interstate shipments are reported to an interested law enforcement agency. The information is used by ATF to investigate and develop criminal cases against individual(s) involved in this type of criminal activity.

Current Actions: There are no changes to this information collection except for an address and phone change on the form.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,014.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 338.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10105 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Application For Renewal of Federal Firearms License.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Dana Winter, National Licensing Center, 2600 Century Parkway NE., Atlanta, Georgia 30345, (404) 679–5040.

SUPPLEMENTARY INFORMATION:

Title: Application For Renewal of Federal Firearms License.

OMB Number: 1512–0043.

Form Number: ATF F 8 (5310.11) Part II.

Abstract: ATF F 8 (5310.11) Part II is filed by the licensee desiring to renew a Federal firearms license. It is used to

identify the applicant, locate the business/collection premises, identify the type of business/collection activity, and determine the eligibility of the applicant.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, individuals or households.

Estimated Number of Respondents: 35,000.

Estimated Time Per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 14,700.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–10106 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Submission for OMB review; comment request.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. The OCC is soliciting comments concerning an extension, without change, of an information collection titled ''Community Development Corporations, Community Development Projects, and Other Public Welfare Investments—12 CFR 24.'' The OCC also gives notice that it has sent the information collection to OMB for review and approval.

DATES: You should submit your comments to both OCC and the OMB Desk Officer by May 24, 2001.

ADDRESSES: You are invited to submit comments to the Office of the Comptroller of the Currency, 250 E Street, SW, Public Information Room, Mailstop 1–5, Attention: 1557–0194, Washington, DC 20219. In addition, you can send comments by facsimile transmission to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.*

A copy of the comments may also be submitted to the OMB Desk Officer, Alexander T. Hunt, Office of Management and Budget, New Executive Office Building, Room 3208, Attention: 1557–0194, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Community Development Corporations, Community Development Projects, and Other Public Welfare Investments—12 CFR 24.

OMB Number: 1557–0194.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. This regulation implements 12 U.S.C. 24 (Eleventh) which authorizes national banks to make investments that are designed primarily to promote the public welfare, including the welfare of low- and moderate-income families and communities (such as through the provision of housing, services, or jobs) consistent with safe and sound banking practices. The statute requires the OCC to limit a national bank's investments in any one project as well as its aggregate investments in such projects. This regulation requires national banks to make occasional filings to the OCC regarding self certification notices, letters from certain banks requesting to self-certify, and proposals for investments that require prior OCC approval of public welfare investments.

The OCC is providing national banks with a form by which they make these filings and notify the OCC of investments authorized by 12 U.S.C. 24 (Eleventh). National banks must use this form either to self-certify an investment, pursuant to 12 CFR 24.5(a), or to submit a request for prior OCC approval of an investment, pursuant to 12 CFR 24.4(a) and 24.5(b). The OCC's form simplifies the self-certification and prior approval processes by outlining the rule's requirements and allowing banks to check off most responses. This streamlining of information that national banks must submit to the OCC helps to reduce the time and burden attendant to the rule's notification and approval processes. The OCC intends that this form will encourage banks to increase or enhance their investments under part 24.

A national bank that is not eligible to self-certify investments under 12 CFR 24.2(e), but is at least adequately capitalized and has a composite rating of at least 3 with improving trends under the Uniform Financial Institutions Rating System, may continue to submit a letter to the OCC's Community Development Division requesting the authority to self-certify investments, pursuant to 12 CFR 24.5(a)(4). The bank may also use the OCC's form to request prior OCC approval of its investments.

The information collection requirements in 12 CFR part 24 are located as follows:

Self certification of public welfare investments (12 CFR 24.5(a)): To self-certify an investment, an eligible bank shall submit a letter of self-certification to the OCC, within 10 days after it makes an investment.

Letters from 3-rated banks requesting to self-certify (12 CFR 24.5(a)(4)): A national bank that is not an eligible bank but that is at least adequately capitalized, and has a composite rating of at least 3 with improving trends under the Uniform Financial Institutions Rating System, may submit an letter to the OCC requesting authority to self-certify investments.

Investments requiring prior approval (12 CFR 24.5(b)): If a national bank does not meet the requirements for self-certification set forth in part 24, the bank must submit a proposal to the OCC requesting prior approval for an investment.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 204.

Estimated Total Annual Responses: 204.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 408 burden hours.

The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Dated: April 17, 2001.

Karen Solomon,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 01–10020 Filed 4–23–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Customs Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed Privacy Act systems of records.

SUMMARY: The Treasury Department, Customs Service, gives notice of a proposed addition to their systems of records which are subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The U.S. Customs Office of Human Resources (HRM) is implementing an electronic job application system. This computerized employment application processing system is designed to dramatically reduce the time spent in placing applicants into vacant positions.

DATES: Comments must be received no later than May 24, 2001. This new system of records will be effective June 4, 2001, unless comments are received which result in a contrary determination.

ADDRESSES: Comments (preferably in triplicate) may be submitted to the Office of Regulations and Rulings, Disclosure Law Branch, U.S. Customs Service, 1300 Pennsylvania Ave. NW., Washington, DC 20229. Comments will be available for inspection and copying at the Disclosure Law Branch, 1300 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Assistant Commissioner, Office of Human Resources, U.S. Customs Service, (202) 927–2900.

SUPPLEMENTARY INFORMATION: Currently, Human Resources Management (HRM) uses a combination of manual and automated systems for this purpose. However, the automated system (provided by the U.S. Office of Personnel Management) was developed to meet a set of generic government-wide requirements and does not offer sufficient flexibility to meet the changing needs of the Customs Service. These manual systems are extremely labor-intensive. HRM also requires an improved method of producing reports on information submitted by applicants in order to monitor the status and better evaluate the success of recruitment and selection efforts. The proposed system will accept applications through the Internet, in addition to hard copy application forms. The system will input, organize, rank and track thousands of applications, as well as store resume information for retrieval at a later date.

The new system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, Federal Agency Responsibilities for Maintaining Records About Individuals, dated February 8, 1996.

The system notice is published in its entirety below.

Dated: April 16, 2001.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

Treasury/Customs .286

SYSTEM NAME:

Electronic Job Application Processing System-Treasury/Customs.

SYSTEM LOCATION:

Located in U.S. Customs Headquarters Offices, 1300 Pennsylvania Avenue, NW., Washington DC 20229 and at contractor's premises (contact the system administrator for the contractor address).

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals applying for job vacancies within the United States Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vacancy announcements, applications, applicant resumes, certificates of eligibles, rating information, test data, interview results and answers to Knowledge, Skill and Ability questions. Applicant data includes but is not limited to, name, address, social security number (SSN) and date of birth (DOB).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

PURPOSE(S):

The purpose of this electronic system of records is to more efficiently acquire, process, rate and rank job applicants for positions with the U.S. Customs Service. This system should result in positions being filled more quickly with the most qualified applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSE OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation of civil or criminal law or regulation;

(2) Disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information relevant to the requesting agency's or the Customs Service's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant or other benefit;

(3) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to an investigation;

(5) Disclose information to an agency contractor for the purpose of compiling, organizing, analyzing, programming, utilizing or otherwise refining records subject to the same limitations applicable to officers and employees of the U.S. Customs Service under the Privacy Act;

(6) Provide information to the National Archives and Records Administration for use in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) Disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(8) Disclose information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains, and

(9) Provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media.

RETRIEVABILITY:

Records are indexed by name and Social Security Number.

SAFEGUARDS:

Records are accessed through Internet firewalls by authorized Customs employees through IRE Virtual Private Network (VRN) and a secure connection. The host servers are protected by controlled access procedures, which includes card key entry control and cipher locks.

RETENTION AND DISPOSAL:

Merit promotion case files are maintained for two years after the closing date of the announcement, or the final disposition of appeals, whichever is later in accordance with National Archives and Records Administration GRS–1.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Staffing Policy, Office of Human Resources, U.S. Customs Service, 1300 Pennsylvania Ave., NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

Job applicants, and present and past employers, and other federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–10127 Filed 4–23–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–74–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–74–89 (T.D. 8282), Election of Reduced Research Credit (§ 1.280C–4).

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election of Reduced Research Credit.

OMB Number: 1545–1155.

Regulation Project Number: PS–74–89.

Abstract: This regulation relates to the manner of making an election under section 280C(c)(3) of the Internal Revenue Code. This election enables a taxpayer to claim a reduced income tax credit for increasing research activities and thereby avoid a reduction of the section 174 deduction for research and experimental expenditures.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 12, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10160 Filed 4–23–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–12

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–12, Application Procedures for Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application Procedures for Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement.

OMB Number: 1545–1597.

Revenue Procedure Number: Revenue Procedure 2000–12.

Abstract: This revenue procedure gives guidance for entering into a withholding agreement with the IRS to be treated as a Qualified Intermediary (QI) under regulation section 1.1441–1(e)(5). It describes the application procedures for becoming a QI and the terms that the IRS will ordinarily require in a QI withholding agreement. The objective of a QI withholding agreement is to simplify withholding and reporting obligations with respect to payments of income made to an account holder through one or more foreign intermediaries.

Current Actions: There are no changes being made to Revenue Procedure 2000–12 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 88,504.

Estimated Time for QI Account Holder: 30 minutes.

Estimated Time for a QI: 2,093 hours.

Estimated Total Annual Reporting/Recordkeeping Hours: 301,018.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 16, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10161 Filed 4–23–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–12–78]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–12–78 (TD 7611) Nonbank Trustees (§ 1.408–2(e)).

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Nonbank Trustees.

OMB Number: 1545–0806.

Regulation Project Number: EE–12–78.

Abstract: Internal Revenue Code section 408(a)(2) permits an institution other than a bank to be the trustee of an individual retirement account. This regulation imposes certain reporting and recordkeeping requirements to enable the IRS to determine whether an institution qualifies to be a nonbank trustee and to insure that accounts are administered according to sound fiduciary principles.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 23.

Estimated Time Per Respondent: 34 minutes.

Estimated Total Annual Burden Hours: 13.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a

matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10162 Filed 4–23–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0065]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the termination date of a claimant's employment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0065'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Employment Information in Connection with Claim for Disability Benefits, VA Form 21–4192.

OMB Control Number: 2900–0065.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4192 is used to request employment information of a claimant applying for disability benefits. The information is necessary to determine the date of termination of the claimant's employment.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 60,000.

Dated: March 30, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10082 Filed 4–23–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0066]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a veteran's eligibility for disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0066'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the

information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request to Employer for Employment Information in Connection with Claim for Disability Benefits, VA Form Letter 29–459.

OMB Control Number: 2900–0066.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to request employment information from an employer in connection with a veteran's claim for disability benefits. VA uses the information to establish the veteran's eligibility for disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 862 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,167.

Dated: March 30, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10083 Filed 4–23–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0099]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the eligibility of the surviving spouse, spouse, and children of veterans applying for a new program of education or a new place of training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0099'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Change of Program or Place of Training—Survivors' and Dependents' Educational Assistance, VA Form 22–5495.

OMB Control Number: 2900–0099.

Type of Review: Revision of a currently approved collection.

Abstract: Spouses, surviving spouses, or children of veterans who are eligible for Dependent's Educational Assistance, complete VA Form 22–5495 to change their program of education and/or place of training. VA uses the information to determine if the new program selected is suitable to their abilities, aptitudes, and interests and to verify that the new place of training is approved for benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 12,000.

Dated: March 30, 2001.

By direction of the Secretary:

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10084 Filed 4–23–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0143]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to establish landlord tenant relationship when properties acquired by VA through guaranteed and direct home loan programs are rented.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0143'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each

collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Offer to Rent on Month-To-Month Basis and Credit Statement of Prospective Tenant, VA Form 26–6725.

OMB Control Number: 2900–0143.

Type of Review: Extension of a currently approved collection.

Abstract: VA may rent properties acquired through guaranteed and direct home loan programs when there is little likelihood, because of market conditions, or an early sale and/or prolonged vacancy may encourage vandalism. VA Form 26–6725 is used to establish the landlord tenant relationship, state the responsibilities of the parties, evidence of tender and acceptance of rental payments, and provide credit information for evaluating the prospective tenant's ability to meet rental payments. Offers to rent may be received and executed by authorized management brokers or VA personnel designated. Without this form, VA would have to prepare individual leases.

Affected Public: Individuals or households, Business or other for-profit.

Estimated Annual Burden: 33 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 100.

Dated: March 30, 2001.

By direction of the Secretary:

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10085 Filed 4–23–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0317]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed from a correspondent to complete a claimant's application.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0317'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Identifying Information Re: Veteran's Loan Records, VA Form Letter 26–626.

OMB Control Number: 2900–0317.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to notify a correspondent of additional information needed to complete a claimant's application. The information is needed to determine if a veteran's loan guaranty benefit is involved. Without this form, VA would be unable to obtain the necessary information to associate the correspondence with the veteran's application or loan records.

Affected Public: Individuals or households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400.

Dated: March 30, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10086 Filed 4–23–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
April 24, 2001

Part II

The President

Memorandum of April 12, 2001—Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma

Federal Register
Vol. 66, No. 79
Tuesday, April 24, 2001

Presidential Documents

Title 3—

The President

Memorandum of April 12, 2001

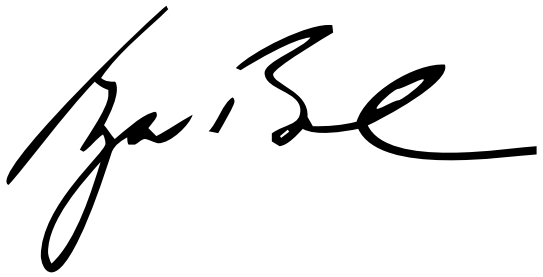
Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma

Memorandum for the Secretary of State

Pursuant to the requirements set forth under the heading ''Policy Toward Burma'' in section 570(d) of the Fiscal Year 1997 Foreign Operations Appropriations Act, as contained in the Omnibus Consolidated Appropriations Act (Public Law 104–208), a report is required every 6 months following enactment concerning:

1) progress toward democratization in Burma;
2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and
3) progress made in developing a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Peace and Development Council and democratic opposition groups in Burma.

You are hereby authorized and directed to transmit the attached report fulfilling these requirements for the period September 28, 2000, through March 27, 2001, to the appropriate committees of the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 12, 2001.

Billing code 4710–10–M

Plan for Implementation of Section 570 of Public Law 104–208 (Omnibus Appropriations Act, Fiscal Year 1997)

Conditions in Burma and U.S. Policy Toward Burma for the Period September 28, 2000–March 27, 2001

Introduction and Summary

Over the past 6 months, Burma's military regime appears to have moved from a consistent policy of confrontation with the National League for Democracy (NLD) to a policy of negotiation and dialogue with the NLD's General Secretary, Aung San Suu Kyi. It is still too early to determine the regime's intentions and motivations. While both sides have held the substance of this dialogue in strictest confidence, there have been a number of goodwill gestures, including the release of some political prisoners and a halt to the vicious attacks on Aung San Suu Kyi and the NLD by the regime-owned press. Nonetheless, the government continues to hold over 1,600 political prisoners. Aung San Suu Kyi remains in detention in her home, but has told visitors from the United Nations, the European Union, and the United States that she supports the current dialogue and is comfortable with her current circumstances.

The quality of life in Burma has continued to deteriorate. Poverty is widespread, and the economy has begun to show the stresses of a severe foreign exchange shortage, corruption, mismanagement, and diversion of resources to the military. Human rights abuses have also continued. Burma's citizens live subject to the arbitrary and sometimes brutal dictates of the military regime. In ethnic minority areas, there were continuing reports of extrajudicial killings, rape and disappearances. Prison conditions are harsh and life-threatening, and arbitrary arrest and detention for the expression of dissenting political views are a common occurrence.

Forced labor also continues to be a serious problem. In November 2000, the Governing Body of the International Labor Organization (ILO) concluded that the Government of Burma had not taken effective action to deal with the ''widespread and systematic'' use of forced labor in the country. For the first time in its history, the ILO has taken action to secure a member state's compliance with worker rights standards. Acting on a June ILO Conference decision, the ILO Director General called on all ILO members to review their ties with the regime to ensure that those ties did not abet the practice of forced labor in Burma. The United States strongly supported this decision.

U.S. policy goals in Burma include progress towards democracy, restoration of civilian government, improved human rights and a more effective counter-narcotics effort. We support the ongoing dialogue between Aung San Suu Kyi and the military regime and hope that it will lead to meaningful democratic change. We also consult regularly, at senior levels, with countries that share our concerns regarding Burma's current human rights practices.

In coordination with the European Union and other states with similar but not identical policies, the United States has imposed sanctions on Burma. These include an arms embargo, an investment ban, a visa ban on high-level officials, and other measures. Our goal in applying these sanctions was to encourage a transition to democratic rule and greater respect for human rights. Should there be significant progress towards those goals—whether as a result of the current dialogue between Aung San Suu Kyi and the military regime or otherwise—then the United States would be obliged to look seriously at measures to support constructive change.

Measuring Progress toward Democratization

During the review period (September 2000 to March 2001), Burma's military regime moved from a consistent policy of confrontation with National League for Democracy to a policy of negotiation and dialogue with the NLD's General Secretary, Aung San Suu Kyi. However, it is still too early to

know if the move represents a genuine change. After twice preventing Aung San Suu Kyi from traveling outside of Rangoon City, and confining her incommunicado in her home starting on September 21, 2000, the military regime, on the advice of UN Special Representative Razali Ismail, and in the face of increasing international condemnation, particularly over human rights abuses and its policy of imposing forced labor, opened a quiet dialogue with Aung San Suu Kyi in October 2000. This dialogue has apparently contributed to some greater mutual understanding. While none of the substance of the current dialogue has yet been revealed by either side, there have been a series of confidence-building gestures. In December, the regime released six of the NLD's nine central executive committee members from detention in their homes. The current efforts here have also halted the virulent attacks on Aung San Suu Kyi and the NLD that had become a staple of newspaper coverage in Burma and have allowed the NLD to resume some normal party activities.

At the specific request of UN Special Representative Razali Ismail, the Burmese regime also released about 100 political prisoners. These included a number of aged and ill prisoners, such as U Chein Poh, a respected lawyer who was unjustly imprisoned in September; five political prisoners who had been held past the term of their sentences in Mandalay; and approximately 85 NLD supporters who had been arrested at the time Aung San Suu Kyi was detained on September 21, 2000. However, approximately 1,600 political prisoners remain, a number that may be higher than at the beginning of 2000.

The regime has also gradually increased access to Aung San Suu Kyi. Since December, visitors have included Aung San Suu Kyi's son and his family, select members of the NLD's central executive committee, UN Special Representative Razali Ismail, representatives of the European Union, Australian human rights specialist Chris Sidoti, and U.S. Deputy Assistant Secretary of State Ralph Boyce. In each of these meetings, Aung San Suu Kyi has emphasized that, although she remains under virtual house arrest, she is content with the status of her dialogue with the regime. However, she has not revealed any portion of the substance of that dialogue to any outsider.

Counternarcotics

Burma remains the world's second largest producer of illicit opium and heroin. However, production of both heroin and opium has declined in Burma since 1996. In 2000, Burma produced an estimated 1085 metric tons of opium, down approximately 60 percent from the 2,560 metric tons of opium produced in 1996.

Although opium production has declined, methamphetamine production has soared, particularly in outlying regions that are governed by former ethnic insurgent groups which have signed cease-fire agreements with the government. In 2000, the Burmese Government seized approximately 27 million methamphetamine tablets, compared with approximately 6 million tablets in 1996.

There is no evidence that the Burmese Government is involved on an institutional level in the drug trade. However, there are persistent and reliable reports that officials, particularly corrupt army personnel posted in outlying areas, are either directly involved in drug production and trafficking or provide protection to those who are. In addition, while the Government has encouraged ethnic insurgents who have signed cease-fire agreements to curb narcotics production and trafficking, it has not, in general, taken action against them. One exception to this general rule occurred in November 2000, when the government occupied the territory of the Mong ko Defense army and arrested its leader, Mon Sa La, on drug trafficking charges.

The United States does not believe that Burma's current counternarcotics efforts are commensurate with the scale of the problem in Burma. Nevertheless, the United States has continued to work with the UN Drug Control

Program (UNDCP) and other donors to support opium reduction and crop substitution programs. In September 2000, the United States obligated approximately $600,000 to support UNDCP's Wa Alternative Development Project, which is targeted at the reduction of opium production in the territories of the United Wa State Army, now the largest cease-fire group in Burma.

The Quality of Life in Burma

While potentially one of the richest countries in the region, Burma remains one of the world's poorest with an average per capita GDP of approximately $300, according to World Bank figures. Primarily an agricultural economy, Burma also has substantial mineral, fishing and timber resources. However, almost four decades of military misrule and mismanagement and the diversion of resources to military use have produced a chaotic economy characterized by widespread poverty.

Over the past 6 months, a growing foreign exchange shortage has produced a rapid depreciation in Burma's official currency, the kyat, against the dollar. Valued at approximately 360 kyat to the dollar in September 2000, that rate has now fallen to approximately 500 kyat per dollar. At the same time, a breakdown in public confidence in the FEC (foreign exchange certificate), a scrip the government circulates in place of the dollar, has resulted in a sharp decline in its value against the dollar as well. In rural areas, government restrictions on private sector rice exports in the face of a bumper crop reduced rice prices to levels below farmer costs, but in urban areas, this same policy helped hold down living costs and inflation. According to an urban retail price index calculated by the U.S. Embassy, between September 2000 and March 2001, inflation in urban areas of Burma dropped from an average annual rate in excess of 30 percent to a rate of approximately 15 percent.

Severe human rights abuses also continued throughout Burma during the reporting period. Burma's citizens live subject to the arbitrary and sometimes brutal dictates of Burma's military regime. In ethnic minority areas, in particular, there continued to be many credible reports of extrajudicial killings, rape, and disappearances, as well as systemic forced labor. Prison conditions remained harsh, and arbitrary arrest and detention for the expression of dissenting political views were common occurrences.

Several high-profile political prisoners were released during the review period. These included James Mawdsley, a British citizen, who was released in October 2000, shortly after the UN Working Group on Arbitrary Detention informed the Burmese Government that Mawdsley's detention violated international standards of human rights. As of March 2001, however, among the more than 1,600 political prisoners under detention or in prison, there were 38 members of parliament.

Forced labor also remained an issue of serious concern. In November 2000, the International Labor Organization (ILO) Governing Body concluded that the Government of Burma had not taken effective action to deal with the ''widespread and systematic'' use of forced labor in the country and, for the first time in its history, took action under its Constitution to compel a member state to comply with ILO worker rights standards. Pursuant to that decision, taken by the International Labor Conference in June, the ILO Director General in December 2000 called on all member governments, worker and employee delegations, and sister UN organizations to review their ties with Burma to ensure that they did not abet the practice of forced labor. The United States strongly supported this decision, but has deferred action on the ILO's call pending the outcome of the ongoing dialogue between Aung San Suu Kyi and the military government.

Development of a Multilateral Strategy

U.S. policy goals in Burma are progress towards democracy, restoration of civilian rule, improved human rights, and more effective counternarcotics efforts. We support the ongoing dialogue between Aung San Suu Kyi and the military government in the hope that it will eventually lead to meaningful democratic change in Burma. We also consult regularly, at senior levels, with countries with major interests in Burma and/or major concerns regarding Burma's human rights practices.

The United States has co-sponsored annual resolutions at the UN General Assembly and the UN Commission on Human Rights that target Burma. We have also supported the ILO's unprecedented decision to compel Burma's compliance with its obligations to respect worker rights, in particular, to end the pervasive use of forced labor. We strongly support the mission of the UN Secretary General's Special representative for Burma, Razali Ismail, who helped persuade the military government to open a dialogue with Aung San Suu Kyi over Burma's political future.

In coordination with the European Union and other states with similar, but not identical, policies, the United States has imposed sanctions on Burma. These sanctions include a total arms embargo, a ban on all new U.S. investment in Burma, the suspension of all bilateral aid, the withdrawal of general system of preferences privileges, the denial of Overseas Private Investment Corporation and Eximbank programs, visa restrictions on Burma's senior leaders, and a hold on all new lending or grant programs by the World Bank, the International Monetary Fund, the Asian Development Bank, and other international financial institutions in which the United States has a major interest. We have also downgraded the level of our diplomatic representation from Ambassador to Charge d'Affaires.

Our goal in applying these sanctions is to encourage a transition to democratic rule, civilian government, and greater respect for human rights. Should there be significant progress towards those goals, whether as a result of the current dialogue between Aung San Suu Kyi and the military government or otherwise, then the United States would be obliged to look seriously at measures to support this process of constructive change.

[FR Doc. 01–10260
Filed 4–23–01; 8:45 am]
Billing code 4710–10–M

Federal Register

Tuesday,
April 24, 2001

Part III

Department of Education

Office of Educational Research and Improvement (OERI); Field-Initiated Studies (FIS) Education Research Grant Program; Notice of Application Review Procedures for New Awards for the Second Cycle of Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.305T]

Office of Educational Research and Improvement (OERI); Field-Initiated Studies (FIS) Education Research Grant Program; Notice of Application Review Procedures for New Awards for the Second Cycle of Fiscal Year (FY) 2001

SUMMARY: On September 22, 2000 we published in the **Federal Register** (65 FR 57326) a notice of application review procedures for new awards for FY 2001 for the FIS Education Research Grant Program. These procedures governed the first cycle of the competition and modified the procedures governing the review of applications in 34 CFR part 700. This notice establishes procedures that OERI will use to review applications for the second cycle of the FIS competition.

Application Review Procedure

OERI will continue to use a one-tier review process for the second cycle of the FY 2001 FIS program competition. OERI will form eleven review panels. Each panel will be composed of reviewers who are expert in a particular substantive area. Each panel will have approximately 12–15 members. Applications will be assigned to review panels where the expertise of the panel matches the topic of the application. All applications assigned to a panel will be mailed to all members of that review panel for review. Each application will be assigned to three Lead Reviewers who have particular expertise related to the topic of that application. Prior to the panel meeting, each of the three Lead Reviewers will independently complete technical review forms for the assigned applications. On those forms, the Lead Reviewers document their judgment regarding the strengths and weaknesses of the applications they have been assigned according to the published selection criteria and assign a preliminary rating for each of the criteria on each of those applications. The three selection criteria were cited in the application package: National Significance, Quality of the Project Design, and Quality and Potential Contributions of Personnel. The Lead Reviewers will select from one of the following to indicate the preliminary rating for a specific criterion for each application: Exceptional quality, High quality, Moderate quality, or Low quality.

In addition, all reviewers are expected to be familiar enough with all of the applications to participate in a discussion of the applications at the review panel meeting. At the review panel meeting, the three Lead Reviewers lead a discussion of the applications they have been assigned. Other panelists then ask questions of the three Lead Reviewers when necessary. Following the full discussion of each application, all panelists assign their ratings for each criterion on that application, using the rating scale described in this notice. At that time, the three Lead Reviewers may also change their preliminary ratings if they wish.

Ratings provided by individual reviewers across the three rating criteria will be translated by OERI into numerical scores where a rating of ''exceptional quality'' will be assigned a 3, a rating of ''high quality'' will be assigned a 2, a rating of ''moderate quality'' will be assigned a 1, and a rating of ''low quality'' will be assigned a 0. In cases where scores provided by 50% or more of the reviewers on a particular application are 2 or higher (i.e., ''high quality'' or ''exceptional quality'') for all three rating criteria, a multiplier will be used. In these cases, the scores of only those reviews comprised of ''high quality'' or ''exceptional quality'' for all three criteria will be multiplied by 1.25. The use of a multiplier favors those applications that receive consistently high ratings.

To construct the funding slate, a numeric average for each application will be determined. To determine the average score, the total of the numeric scores provided by all reviewers for a given application will be divided by the number of reviewers who rated that application. The resulting array of average scores will form the funding slate.

For this competition, potential applicants were invited to submit letters of intent. In the letter of intent, applicants identified the panel they thought was best suited to review their application. Applicants are hereby notified that the data in the letters of intent were collected for administrative purposes only. OERI reserves the right to assign any application to any panel where the agency believes the reviewers are best qualified to review that application.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, because this notice merely establishes procedural requirements for review of applications and does not create substantive policy, proposed rulemaking is not required under 5 U.S.C. 553(b)(A).

FOR FURTHER INFORMATION CONTACT: Elizabeth Payer, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502e, Washington, DC 20208–5645. Telephone: (202) 219–1310 or via Internet: Elizabeth_Payer@ed.gov.

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Program Authority: 20 U.S.C. 6031(c)(2)(B).

Dated: April 20, 2001.

Sue Betka,

Deputy Assistant Secretary for Educational Research and Improvement.

[FR Doc. 01–10267 Filed 4–20–01; 2:09 pm]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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